

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

FORTIETH DAY'S PROCEEDINGS

**Thirtieth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, June 9, 2004

The Senate was called to order at 1:30 o'clock P.M., by Hon.
Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their
names:

PRESENT

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

ABSENT

Total—0

The President of the Senate announced there were 39 Senators
present and a quorum.

Prayer

The prayer was offered by Rev. David Ellis, following which the
Senate joined in pledging allegiance to the flag of the United States of
America.

Reading of the Journal

On motion of Senator Bajoie, the reading of the Journal was
dispensed with and the Journal of yesterday was adopted.

Morning Hour

Privilege Report of the

Legislative Bureau

June 9, 2004

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following
report:

The following bills are approved as to construction and
duplication.

HOUSE BILL NO. 77—
BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 15:255(A)(1) and (D)(1) and to enact R.S.
15:255(A)(4), relative to fees paid to off-duty law enforcement
officers who are witnesses in criminal cases; to require the
witness fees to only be paid from the specified fund; and to
provide for related matters.

Reported without amendments.

HOUSE BILL NO. 651—
BY REPRESENTATIVES PIERRE AND DANIEL
AN ACT

To amend and reenact R.S. 30:87(A), (B), and (F) and to repeal R.S.
30:87(G), relative to oilfield site restoration fees; to increase
such fee after a certain date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 797—
BY REPRESENTATIVES TUCKER, K. CARTER, ERDEY, FUTRELL,
JOHNS, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE,
BAUDOIN, BAYLOR, BROOME, BRUCE, BRUNEAU, BURNS,
BURRELL, CROWE, CURTIS, DAMICO, DANIEL, DEWITT,
DOERGE, DORSEY, DOVE, DURAND, FANNIN, FARRAR,
FAUCHEUX, FLAVIN, FRITH, GLOVER, GRAY, E. GUILLORY, M.
GUILLORY, HILL, HONEY, HUTTER, JACKSON, JEFFERSON,
KATZ, KENNEY, LABRUZZO, LANCASTER, MARCHAND,
MARTINY, McDONALD, MURRAY, PIERRE, PITRE, M. POWELL,
T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO,
SALTER, SCALISE, SHEPHERD, GARYSMITH, JACKSMITH, JOHN
SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY,
TOWNSEND, TRAHAN, WALKER, WALSWORTH, AND WHITE

AN ACT

To enact R.S. 22:1425, relative to automobile liability insurance; to
provide for active military personnel; to provide for premium
discounts; to provide for rebates; to provide for rules and
regulations; to provide for the authority of the commissioner of
insurance; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 836—
BY REPRESENTATIVES GLOVER AND HOPKINS
AN ACT

To amend and reenact R.S. 11:3724(8), as enacted by Act No. 74 of
the 1991 Regular Session of the Legislature of Louisiana, relative
to the Police Pension and Relief Fund of the City of Shreveport;
to provide relative to survivor benefits; to repeal R.S.
11:3724(8) as amended and reenacted by prior Acts of the
Legislature of Louisiana; to provide for an effective date; and to
provide for related matters.

Reported without amendments.

HOUSE BILL NO. 846—

BY REPRESENTATIVE MORRISH
AN ACT

To amend and reenact R.S. 30:2418(G), (H)(3) and (4), (I), (J), and (O)(3), relative to waste tires; to provide for fees collected on the sale of tires; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 870—

BY REPRESENTATIVES TUCKER, DOERGE, GALLOT, HEBERT, HILL, KENNARD, MONTGOMERY, JOHN SMITH, ST. GERMAIN, TRAHAN, TRICHE, AND WALSWORTH AND SENATOR BOSSIERE
AN ACT

To amend and reenact R.S. 11:2257(F)(2) and (H), relative to the Firefighters' Retirement System; to provide definitions of terms; to remove the authorization for retired members to participate in the Deferred Retirement Option Plan; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 938—

BY REPRESENTATIVE TUCKER
AN ACT

To enact R.S. 11:266.1(E), relative to the state retirement systems; to provide relative to investment requirements; to provide for reporting; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 984—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 11:1423(C), relative to the Louisiana Assessors' Retirement Fund; to provide relative to retirement options; to provide relative to option reductions; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1006—

BY REPRESENTATIVES SCHNEIDER AND MONTGOMERY
AN ACT

To amend and reenact R.S. 11:62(introductory paragraph) and (9), relative to employee contribution rates; to authorize the board of trustees of the Sheriffs' Pension and Relief Fund to increase the employee contribution rate in consultation with the fund's actuary; to specify a maximum rate allowable; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1101—

BY REPRESENTATIVES ANSARDI, DAMICO, MARTINY, AND WOOTON AND SENATORS BOISSIERE, LENTINI, AND ULLO
AN ACT

To enact R.S. 33:2740.18.2, relative to the hotel occupancy tax; to authorize the Jefferson Parish Council to levy and collect an additional hotel occupancy tax within Jefferson Parish; to provide for the purposes for which the proceeds of the tax may be used; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1271—

BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 11:62(introductory paragraph) and (5)(c) and R.S. 24:36(A), relative to employees of the state legislature who are members of the Louisiana State Employees' Retirement System; to provide for an increase in the employee contribution rate and accrual rate for certain members of the system; to provide for leave conversion for legislative employees; to provide for an effective date; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1478—

BY REPRESENTATIVES WHITE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, R. CARTER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, JEFFERSON, JOHNS, KATZ, LABRUZZO, LAFLEUR, LAMBERT, MARCHAND, MARTINY, McDONALD, MCVEA, MONTGOMERY, MORRELL, MURRAY, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SALTER, SCALISE, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT
AN ACT

To amend and reenact R.S. 51:2453(4) and to enact R.S. 51:2453(6) and 2460(C) and (D), relative to the Louisiana Quality Jobs Programs Act; to expand the definition of "new direct job" to include employees of a facility management contractor in certain instances; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1718 (Substitute for House Bill No. 1606 by Representative G. Smith)—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 47:1852(B), 1852.1, and 1856(A)(1) and to enact R.S. 47:1856(G), relative to the assessment of public service properties for ad valorem taxation; to specify filing requirements for certain reports; to increase the penalty for failure to timely file reports; to specify procedures for protesting assessments; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lentini, the Bills and Joint Resolutions were read by title and passed to a third reading.

Introduction of Senate Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 117—
BY SENATOR HOLDEN

A RESOLUTION

To commend the Baton Rouge Association for Retarded Citizens on their 50th Anniversary.

On motion of Senator Holden, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 118—
BY SENATOR FIELDS

A RESOLUTION

To welcome Coach Paul Silas back to Louisiana and the Senate as the returning head coach of the Senate Storm and to extend best wishes to him and the Storm in the upcoming contest with the House Hurricanes.

On motion of Senator Fields, the resolution was read by title and adopted.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

June 9, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 507—
BY REPRESENTATIVES MARCHAND AND MURRAY
AN ACT

To amend and reenact R.S. 13:2500(C) and to enact R.S. 33:4881, relative to Orleans Parish; to provide with respect to the powers of judges of the Municipal Court of New Orleans; to increase the monetary penalty which may be imposed for the violation of a municipal ordinance; to provide with respect to maximum penalties that can be imposed by ordinance in Orleans Parish; to authorize the governing authority for the parish of Orleans to provide for a fine and a sentence of imprisonment for violation of any ordinance prohibiting the dumping of trash and other substances; to provide with respect to such substances; to specify those places where dumping may be so penalized; and to provide for related matters.

HOUSE BILL NO. 1267—
BY REPRESENTATIVE GLOVER
AN ACT

To enact R.S. 9:2800.14, relative to administrative procedure; to create an application process for compensation for wrongful conviction and imprisonment; to provide for compensation; to create the Innocence Compensation Fund as a special fund in the state treasury; to provide for the deposit, use, and investment of monies in the fund; to provide procedures for filing an application; to provide for the period of time in which the application shall be filed; and to provide for related matters.

HOUSE BILL NO. 1055—
BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 40:2183(E), relative to hospices; to provide for a moratorium on the issuance of licenses for additional hospices; and to provide for related matters.

HOUSE BILL NO. 1441—
BY REPRESENTATIVES JOHN SMITH AND WRIGHT
AN ACT

To amend and reenact R.S. 15:1105, 1105.1(A), 1105.4(A), and 1105.5 and to enact R.S. 15:1105.8, relative to the Central Louisiana Juvenile Detention Center Authority; to provide relative to its board of commissioners; to provide for the general authority of the board; to provide for the domicile of the board of commissioners; to provide for withdrawal from the Central Louisiana Juvenile Detention Center Authority; to provide with respect to the return of funds to withdrawing parish governing authorities; and to provide for related matters.

HOUSE BILL NO. 1030—
BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 45:844.11, 844.13(A), and 844.14(A)(2) and (4) and (C) and to enact R.S. 45:844.12(6) and (7) and 844.16, relative to Telephonic Solicitation Relief Act; to provide for use of the Federal Do Not Call Registry in combination with the state "do not call" listing; to provide for definitions; to provide regarding registration, application, and bonding; to provide for fees; and to provide for related matters.

HOUSE BILL NO. 1553—
BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 11:557, relative to the benefits for judges and court officers in the Louisiana State Employees' Retirement System; to provide for participation in the Deferred Retirement Option Plan; to allow for remedial participation in the plan; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 549—
BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 14:98(D)(1) and (3)(a)(introductory paragraph) and (iii) and (E)(1) and (3)(a)(introductory paragraph) and (iii), relative to driving while intoxicated; to provide with respect to criminal penalties for third, fourth, and subsequent offenses of operating a vehicle while intoxicated; to provide with respect to substance abuse treatment; to provide with respect to probation; to provide with respect to home incarceration; and to provide for related matters.

HOUSE BILL NO. 1187—

BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 39:474, relative to public finance; to authorize certain structured financing transactions; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1508—

BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact Children's Code Article 810 and to enact Children's Code Article 809(E) and (F), relative to juvenile delinquency proceedings; to provide for the appointment of counsel and notice of such appointment; to provide with respect to a waiver of right to counsel in such proceedings; to provide for circumstances in which the right to counsel shall not be waived; and to provide for related matters.

HOUSE BILL NO. 1558—

BY REPRESENTATIVES HONEY, HUDSON, JEFFERSON AND RICHMOND

AN ACT

To enact R.S. 33:9038, relative to tax increment financing; to prohibit the use of tax increment financings that involve a public school system without prior approval of the system; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE BILL NO. 507—

BY REPRESENTATIVES MARCHAND AND MURRAY

AN ACT

To amend and reenact R.S. 13:2500(C) and to enact R.S. 33:4881, relative to Orleans Parish; to provide with respect to the powers of judges of the Municipal Court of New Orleans; to increase the monetary penalty which may be imposed for the violation of a municipal ordinance; to provide with respect to maximum penalties that can be imposed by ordinance in Orleans Parish; to authorize the governing authority for the parish of Orleans to provide for a fine and a sentence of imprisonment for violation of any ordinance prohibiting the dumping of trash and other substances; to provide with respect to such substances; to specify those places where dumping may be so penalized; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 549—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 14:98(D)(1) and (3)(a)(introductory paragraph) and (iii) and (E)(1) and (3)(a)(introductory paragraph) and (iii), relative to driving while intoxicated; to

provide with respect to criminal penalties for third, fourth, and subsequent offenses of operating a vehicle while intoxicated; to provide with respect to substance abuse treatment; to provide with respect to probation; to provide with respect to home incarceration; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 1030—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 45:844.11, 844.13(A), and 844.14(A)(2) and (4) and (C) and to enact R.S. 45:844.12(6) and (7) and 844.16, relative to Telephonic Solicitation Relief Act; to provide for use of the Federal Do Not Call Registry in combination with the state "do not call" listing; to provide for definitions; to provide regarding registration, application, and bonding; to provide for fees; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

HOUSE BILL NO. 1055—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 40:2183(E), relative to hospices; to provide for a moratorium on the issuance of licenses for additional hospices; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

HOUSE BILL NO. 1187—

BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 39:474, relative to public finance; to authorize certain structured financing transactions; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 1267—

BY REPRESENTATIVE GLOVER

AN ACT

To enact R.S. 9:2800.14, relative to administrative procedure; to create an application process for compensation for wrongful conviction and imprisonment; to provide for compensation; to create the Innocence Compensation Fund as a special fund in the state treasury; to provide for the deposit, use, and investment of monies in the fund; to provide procedures for filing an application; to provide for the period of time in which the application shall be filed; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 1441—

BY REPRESENTATIVES JOHN SMITH AND WRIGHT

AN ACT

To amend and reenact R.S. 15:1105, 1105.1(A), 1105.4(A), and 1105.5 and to enact R.S. 15:1105.8, relative to the Central Louisiana Juvenile Detention Center Authority; to provide relative to its board of commissioners; to provide for the general authority of the board; to provide for the domicile of the board of commissioners; to provide for withdrawal from the Central Louisiana Juvenile Detention Center Authority; to provide with respect to the return of funds to withdrawing parish governing authorities; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 1508—

BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact Children's Code Article 810 and to enact Children's Code Article 809(E) and (F), relative to juvenile delinquency proceedings; to provide for the appointment of counsel and notice of such appointment; to provide with respect to a waiver of right to counsel in such proceedings; to provide for circumstances in which the right to counsel shall not be waived; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 1553—

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 11:557, relative to the benefits for judges and court officers in the Louisiana State Employees' Retirement System; to provide for participation in the Deferred Retirement Option Plan; to allow for remedial participation in the plan; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

HOUSE BILL NO. 1558—

BY REPRESENTATIVES HONEY, HUDSON, JEFFERSON AND RICHMOND

AN ACT

To enact R.S. 33:9038, relative to tax increment financing; to prohibit the use of tax increment financings that involve a public school system without prior approval of the system; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

June 9, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 296—

BY REPRESENTATIVE WRIGHT

A CONCURRENT RESOLUTION

To urge and request the Board of Regents, in collaboration with the postsecondary education management boards, to study issues relative to the admission of students into the clinical portion of nurse training programs offered at public postsecondary education institutions and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 297—

BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To memorialize the Department of the Interior to reevaluate the establishment of duck season, taking into consideration changes in climate and bird migration patterns.

HOUSE CONCURRENT RESOLUTION NO. 298—

BY REPRESENTATIVE CRANE

A CONCURRENT RESOLUTION

To urge and request the public postsecondary education management boards to use the authority granted each of them by R.S. 17:3351(A)(5)(b)(i) and establish, by not later than the Fall semester of the 2005-2006 academic year, tuition and mandatory attendance fee amounts applicable to nonresident students at institutions under their respective supervision and management that at least equal the average amount of annual tuition and mandatory attendance fees for the ensuing fiscal year applicable to nonresident students at institutions in states comprising the Southern Regional Education Board, excluding Louisiana, which are in the same category as established by the Southern Regional Education Board.

HOUSE CONCURRENT RESOLUTION NO. 299—

BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study the feasibility of permitting the taking of pen-raised mallard south of Interstate 10 and north of Louisiana Highway 14.

HOUSE CONCURRENT RESOLUTION NO. 301—

BY REPRESENTATIVE TRICHE

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office of public health, to enforce the provisions of the state Sanitary Code relative to the protection of the public's health and the inspection of premises used to hold animals and fowls in an

effort to assist in the enforcement of R.S. 14:102.19 (the crime of hog and canine fighting) as enacted by Act 111 of the 2004 Regular Session of the Legislature.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 296—

BY REPRESENTATIVE WRIGHT

A CONCURRENT RESOLUTION

To urge and request the Board of Regents, in collaboration with the postsecondary education management boards, to study issues relative to the admission of students into the clinical portion of nurse training programs offered at public postsecondary education institutions and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

HOUSE CONCURRENT RESOLUTION NO. 297—

BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To memorialize the Department of the Interior to reevaluate the establishment of duck season, taking into consideration changes in climate and bird migration patterns.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 298—

BY REPRESENTATIVE CRANE

A CONCURRENT RESOLUTION

To urge and request the public postsecondary education management boards to use the authority granted each of them by R.S. 17:3351(A)(5)(b)(i) and establish, by not later than the Fall semester of the 2005-2006 academic year, tuition and mandatory attendance fee amounts applicable to nonresident students at institutions under their respective supervision and management that at least equal the average amount of annual tuition and mandatory attendance fees for the ensuing fiscal year applicable to nonresident students at institutions in states comprising the Southern Regional Education Board, excluding Louisiana, which are in the same category as established by the Southern Regional Education Board.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

HOUSE CONCURRENT RESOLUTION NO. 299—

BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study the feasibility of permitting the taking of pen-raised mallard south of Interstate 10 and north of Louisiana Highway 14.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 301—

BY REPRESENTATIVE TRICHE

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office of public health, to enforce the provisions of the state Sanitary Code relative to the protection of the public's health and the inspection of premises used to hold animals and fowls in an effort to assist in the enforcement of R.S. 14:102.19 (the crime of hog and canine fighting) as enacted by Act 111 of the 2004 Regular Session of the Legislature.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

June 9, 2004

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 10—

BY REPRESENTATIVE TOWNSEND

A CONCURRENT RESOLUTION

To amend the Department of Economic Development, Racing Commission rules on horse racing to accommodate Paint horses racing, and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 35—

BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to authorize and direct that the United States Army Corps of Engineers close the Mississippi River Gulf Outlet, which has resulted in adverse environmental impacts to the Louisiana coast.

Reported favorably.

HOUSE BILL NO. 319—

BY REPRESENTATIVE PINAC

AN ACT

To repeal R.S. 51:1422, relative to franchise agreements; to repeal provisions which do not require certain franchises to honor or accept reciprocal agreements.

Reported favorably.

HOUSE BILL NO. 687—

BY REPRESENTATIVE BURNS

AN ACT

To amend and reenact R.S. 12:81(A) and 224(B), relative to corporations; to provide relative to directors; to provide for the required number of directors; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 920—

BY REPRESENTATIVE BURNS

AN ACT

To amend and reenact R.S. 51:216(A), (B), and (C), relative to trade name registration; to provide for duration of trade name registration; to provide for fees; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1047—

BY REPRESENTATIVE BURNS

AN ACT

To amend and reenact R.S. 12:1308(C)(1) and (D)(2), relative to limited liability companies; to revise the procedure for changing a registered agent and the registered agent's address; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1147—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 9:3198(A), relative to the property disclosure form; to require that it indicate prior zoning; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1492—

BY REPRESENTATIVE HOPKINS

AN ACT

To amend and reenact R.S. 32:1720(A) and (B)(8), relative to the Louisiana Towing and Storage Act; to provide relative to notices; to require the storage or parking facility owner to send notice to certain parties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1674—

BY REPRESENTATIVES WALSWORTH, FRITH, DOERGE, T. POWELL, AND THOMPSON

AN ACT

To enact R.S. 51:2453(1)(a)(i)(dd), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
KEN HOLLIS
Chairman

REPORT OF COMMITTEE ON

HEALTH AND WELFARE

Senator McPherson, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

June 9, 2004

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 151—

BY SENATOR BAJOE

A CONCURRENT RESOLUTION

To establish a group to study and make recommendations regarding assisted living communities in Louisiana to ensure that sound public policy, regulations, and laws are based upon best practices.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 166—

BY REPRESENTATIVES WALKER, E. GUILLORY, MURRAY, AND ODINET

A CONCURRENT RESOLUTION

To create the Louisiana Commission on Employment of Mental Health Consumers to study and develop a plan to address barriers that prevent persons with mental illness from seeking, obtaining, and maintaining employment.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 244—

BY REPRESENTATIVE MONTGOMERY

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office for citizens with developmental disabilities, to review and assess whether it would be beneficial to transfer the management of Northwest Louisiana Developmental Center to a private, nonprofit management entity and to report their findings to the House and Senate Health and Welfare Committees on or before November 1, 2004.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 274—
BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to amend its rules to provide that funeral costs in certain instances shall be considered an allowable cost for providers who incur such expenses.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 277—
BY REPRESENTATIVE DURAND

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals not to count official state holidays against the annual and therapeutic leave days provided for residents of ICFs/MR.

Reported favorably.

HOUSE BILL NO. 1391—
BY REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 40:2006.1, relative to Medicare surveys; to provide for a fee for an initial Medicare survey under certain circumstances; to provide for a fee for an application for an initial state licensure survey under certain circumstances; to provide for definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1701 (Substitute for House Bill No. 1019 by Representative Durand)—
BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact R.S. 49:1001, 1002(I), and 1005 and to repeal R.S. 49:1006, 1007, and 1008, relative to drug testing; to provide for changes in definitions; to provide for changes in references from the National Institute on Drug Abuse to Substance Abuse and Mental Health Services Administration; to provide for the application of the chapter; to provide for the use of certified laboratories for drug testing of samples collected; to repeal provisions relative to drug testing procedures and standards; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1715 (Substitute for House Bill No. 328 by Representative Durand)—
BY REPRESENTATIVES DURAND AND THOMPSON
AN ACT

To enact R.S. 36:259(II), 919.7 and Subpart E of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1236.15 through 1236.30, relative to the practice of bio-recovery technicians; to provide for the regulation and certification of bio-recovery technicians; to provide for legislative intent; to provide for definitions; to provide for the creation of the Louisiana Bio-Recovery Technician Certification Commission and its domicile, membership, terms of office, vacancies, officers, meetings, and powers and duties; to provide for qualifications for commission members; to provide for the certification qualifications and examination; to provide for continuing education requirements; to provide for reciprocity; to provide for renewal of

certification; to provide for fees; to provide for causes for suspension, revocation, or refusal to grant a certificate; to provide for penalties for violations; to provide for injunctions; to provide for surrender of a certificate; to provide for compliance with the state sanitary code; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JOE MCPHERSON
Chairman

REPORT OF COMMITTEE ON
INSURANCE

Senator Cain, Chairman on behalf of the Committee on Insurance, submitted the following report:

June 9, 2004

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 97—
BY REPRESENTATIVE TOWNSEND
A CONCURRENT RESOLUTION

To direct the commissioner of insurance to require workers' compensation insurers to review and reassess the risk classification for industries considered to be engaged in a hazardous business.

Reported favorably.

HOUSE BILL NO. 310—
BY REPRESENTATIVE HEBERT
AN ACT

To amend and reenact R.S. 22:3103, 3104, 3105, 3108(B)(2) and (3), and 3112(5), to enact R.S. 22:3102(4) and 3112(14) and (15), and to repeal R.S. 22:231(H) and 236(10), relative to the Louisiana Safety Net Health Insurance Program; to transfer administration and oversight of the program from the Louisiana Health Plan to the Department of Insurance; to provide with respect to eligibility, plan of operation, producer requirements, minimal benefit hospital and medical policy provisions, and definitions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 334—
BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:9(A)(1)(introductory paragraph), (b), (c), (q), and (gg), to enact R.S. 22:9(A)(1)(hh) through (mm) and to repeal R.S. 22:9(A)(1)(i), relative to the Louisiana Health Care Commission; to provide with respect to the functions and

membership of the commission; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 345—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:173.1(C)(1)(c), relative to annuities; to provide for interest rates; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 361—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 22:1242(1)(f) and (g), relative to insurance fraud; to define fraudulent insurance acts relative to viatical settlements and unauthorized insurance; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 448—

BY REPRESENTATIVE HEBERT
AN ACT

To enact R.S. 22:230.6, relative to health insurance; to provide for continuity of health care services under limited circumstances; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 472—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:844(G)(1)(a) and to repeal R.S. 22:844(G)(4) and (5), relative to investments by domestic insurers; to delete prior approval of commissioner before purchase of land; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 523—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:1193(G) and (I)(2), relative to insurance agents; to provide with respect to continuing education requirements and exemptions from such requirements; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 524—

BY REPRESENTATIVE K. CARTER
AN ACT

To repeal Part XII of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, consisting of R.S. 22:491 through 507, relative to Lloyd's plan insurers.

Reported favorably.

HOUSE BILL NO. 706—

BY REPRESENTATIVE HEBERT
AN ACT

To repeal R.S. 22:81(2), relative to domestic insurance corporations; to repeal certain shareholder requirements for directors.

Reported favorably.

HOUSE BILL NO. 759—

BY REPRESENTATIVES K. CARTER, BOWLER, ERDEY, FAUCHEUX, HEBERT, JACKSON, JOHNS, MCVEA, RICHMOND, SCALISE, SHEPHERD, GARY SMITH, AND TUCKER
AN ACT

To enact R.S. 22:245(C), relative to health insurance; to require the Department of Insurance to develop a pilot program to administer the federal Health Coverage Tax Credit program; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1001—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:1732, 1734(introductory paragraph), (2), and (5), and 1735 through 1737 and to enact R.S. 22:1734(7) and 1738 through 1741, relative to long-term care insurance; to provide for scope; to provide for definitions; to provide for disclosure and performance standards; to provide for nonforfeiture benefits; to provide for regulations; to provide for penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1183—

BY REPRESENTATIVE ERDEY
AN ACT

To amend and reenact R.S. 22:636(D), relative to cancellation of policies; to provide for unearned premiums; to provide for commission; to provide for payments; to provide for notice; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JAMES DAVID CAIN
Chairman

**House Bills and Joint Resolutions
on Second Reading
Reported by Committees**

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 310—

BY REPRESENTATIVE HEBERT
AN ACT

To amend and reenact R.S. 22:3103, 3104, 3105, 3108(B)(2) and (3), and 3112(5), to enact R.S. 22:3102(4) and 3112(14) and (15), and to repeal R.S. 22:231(H) and 236(10), relative to the Louisiana Safety Net Health Insurance Program; to transfer administration and oversight of the program from the Louisiana

Health Plan to the Department of Insurance; to provide with respect to eligibility, plan of operation, producer requirements, minimal benefit hospital and medical policy provisions, and definitions; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 319—

BY REPRESENTATIVE PINAC
AN ACT

To repeal R.S. 51:1422, relative to franchise agreements; to repeal provisions which do not require certain franchises to honor or accept reciprocal agreements.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 334—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:9(A)(1)(introductory paragraph), (b), (c), (q), and (gg), to enact R.S. 22:9(A)(1)(hh) through (mm) and to repeal R.S. 22:9(A)(1)(i), relative to the Louisiana Health Care Commission; to provide with respect to the functions and membership of the commission; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 345—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:173.1(C)(1)(c), relative to annuities; to provide for interest rates; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 361—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 22:1242(1)(f) and (g), relative to insurance fraud; to define fraudulent insurance acts relative to viatical settlements and unauthorized insurance; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 448—

BY REPRESENTATIVE HEBERT
AN ACT

To enact R.S. 22:230.6, relative to health insurance; to provide for continuity of health care services under limited circumstances; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 472—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:844(G)(1)(a) and to repeal R.S. 22:844(G)(4) and (5), relative to investments by domestic insurers; to delete prior approval of commissioner before purchase of land; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 523—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:1193(G) and (I)(2), relative to insurance agents; to provide with respect to continuing education requirements and exemptions from such requirements; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 524—

BY REPRESENTATIVE K. CARTER
AN ACT

To repeal Part XII of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, consisting of R.S. 22:491 through 507, relative to Lloyd's plan insurers.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 687—

BY REPRESENTATIVE BURNS
AN ACT

To amend and reenact R.S. 12:81(A) and 224(B), relative to corporations; to provide relative to directors; to provide for the required number of directors; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 706—

BY REPRESENTATIVE HEBERT
AN ACT

To repeal R.S. 22:81(2), relative to domestic insurance corporations; to repeal certain shareholder requirements for directors.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 759—

BY REPRESENTATIVES K. CARTER, BOWLER, ERDEY, FAUCHEUX, HEBERT, JACKSON, JOHNS, MCVEA, RICHMOND, SCALISE, SHEPHERD, GARY SMITH, AND TUCKER
AN ACT

To enact R.S. 22:245(C), relative to health insurance; to require the Department of Insurance to develop a pilot program to administer the federal Health Coverage Tax Credit program; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 920—

BY REPRESENTATIVE BURNS
AN ACT

To amend and reenact R.S. 51:216(A), (B), and (C), relative to trade name registration; to provide for duration of trade name registration; to provide for fees; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1001—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:1732, 1734(introductory paragraph), (2), and (5), and 1735 through 1737 and to enact R.S. 22:1734(7) and 1738 through 1741, relative to long-term care insurance; to provide for scope; to provide for definitions; to provide for disclosure and performance standards; to provide for nonforfeiture benefits; to provide for regulations; to provide for penalties; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1047—

BY REPRESENTATIVE BURNS
AN ACT

To amend and reenact R.S. 12:1308(C)(1) and (D)(2), relative to limited liability companies; to revise the procedure for changing a registered agent and the registered agent's address; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1147—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 9:3198(A), relative to the property disclosure form; to require that it indicate prior zoning; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1183—

BY REPRESENTATIVE ERDEY
AN ACT

To amend and reenact R.S. 22:636(D), relative to cancellation of policies; to provide for unearned premiums; to provide for commission; to provide for payments; to provide for notice; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1391—

BY REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 40:2006.1, relative to Medicare surveys; to provide for a fee for an initial Medicare survey under certain circumstances; to provide for a fee for an application for an initial state licensure survey under certain circumstances; to provide for definitions; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1492—

BY REPRESENTATIVE HOPKINS
AN ACT

To amend and reenact R.S. 32:1720(A) and (B)(8), relative to the Louisiana Towing and Storage Act; to provide relative to notices; to require the storage or parking facility owner to send notice to certain parties; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1674—

BY REPRESENTATIVES WALSWORTH, FRITH, DOERGE, T. POWELL, AND THOMPSON
AN ACT

To enact R.S. 51:2453(1)(a)(i)(dd), relative to the Louisiana Quality Jobs Program; to provide for participation in the program for certain small Vision 2020 cluster businesses; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1674 by Representative Walsworth

AMENDMENT NO. 1

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40th DAY'S PROCEEDINGS

On page 1, line 2 between "To" and "enact" insert "amend and reenact R.S. 51:2454(C)(1) and to" and between "51:2453(1)(a)(i)(dd)" and the comma "," insert "and to repeal R.S. 51:2454(C)(2)"

AMENDMENT NO. 2

On page 1, line 4 after "businesses;" insert "to provide for execution of certain contracts;"

AMENDMENT NO. 3

On page 1, lines 6 between "Section 1." and "R.S. 51:2453(1)(a)(i)(dd)" insert "R.S. 51:2454(C)(1) is hereby amended and reenacted and"

AMENDMENT NO. 4

On page 1, line 19 after "(dd)" delete "(I)"

AMENDMENT NO. 5

On page 1, line 21 change "July 1, 2004" to "July 1, 2005"

AMENDMENT NO. 6

On page 2, delete lines 8 through 11 in their entirety

AMENDMENT NO. 7

On page 2, between lines 12 and 13 insert the following:

"§2454. Rebate approval

* * *

C.(1)(a) No contract shall be executed ~~pursuant to~~ under this Chapter with an employer who has defaulted on or otherwise not repaid any loan or other obligation involving public funds nor with any employer who has ever declared bankruptcy under which an obligation of the employer to pay or repay public funds or monies was discharged as part of such bankruptcy.

(b) No contract shall be executed under this Chapter with any employer who is in default on any filing or payment with or to the state or any of its agencies or political subdivisions and in which an assessment or judgment that is final and nonappealable has been rendered, and remains outstanding, in favor of the state, or any of its agencies, or political subdivisions.

(c) Violation of the provisions of this Subsection (C) shall void the contract and any rebates paid to the employer prior to the date of discovery of such violation shall be added to the income tax liability of the employer for the taxable year in which the discovery occurred, with interest from the date of violation, and the employer shall receive no further rebates pursuant to this Chapter.

* * *

AMENDMENT NO. 8

On page 2, line 13 after "Section 2." delete the remainder of the line and insert the following:

"R.S. 51:2454(C)(2) is hereby repealed."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1701 (Substitute for House Bill No. 1019 by Representative Durand)—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 49:1001, 1002(I), and 1005 and to repeal R.S. 49:1006, 1007, and 1008, relative to drug testing; to provide

for changes in definitions; to provide for changes in references from the National Institute on Drug Abuse to Substance Abuse and Mental Health Services Administration; to provide for the application of the chapter; to provide for the use of certified laboratories for drug testing of samples collected; to repeal provisions relative to drug testing procedures and standards; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1715 (Substitute for House Bill No. 328 by Representative Durand)—

BY REPRESENTATIVES DURAND AND THOMPSON

AN ACT

To enact R.S. 36:259(II), 919.7 and Subpart E of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1236.15 through 1236.30, relative to the practice of bio-recovery technicians; to provide for the regulation and certification of bio-recovery technicians; to provide for legislative intent; to provide for definitions; to provide for the creation of the Louisiana Bio-Recovery Technician Certification Commission and its domicile, membership, terms of office, vacancies, officers, meetings, and powers and duties; to provide for qualifications for commission members; to provide for the certification qualifications and examination; to provide for continuing education requirements; to provide for reciprocity; to provide for renewal of certification; to provide for fees; to provide for causes for suspension, revocation, or refusal to grant a certificate; to provide for penalties for violations; to provide for injunctions; to provide for surrender of a certificate; to provide for compliance with the state sanitary code; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

House Bills and Joint Resolutions on Second Reading Reported by Committees

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE BILL NO. 37—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 40:981.3(E), relative to drug-free zone; to provide that sentences imposed pursuant to the drug free zone provisions shall be served without benefit of suspension of sentence; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 37 by Representative Baldone

AMENDMENT NO. 1

On page 1, line 10, change "E." to "E.(1)"

AMENDMENT NO. 2

On page 1, line 13, after "970." delete the remainder of the line and delete line 14 in its entirety and insert in lieu thereof the following:

"(2) Notwithstanding any other provision of law to the contrary, the minimum sentence imposed for a violation of R.S. 40:966 through 970 in a drug free zone, shall be served without benefit of suspension of sentence."

On motion of Senator Chaisson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 66—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 13:1312(D), relative to the Judicial Expense Fund of the Civil District Court for the Parish of Orleans; to provide for the housing of the Juvenile Court in the new courthouse or at a separate facility; to delete the prohibition against raising additional fees and the requirement that additional funds be derived from other noncourt cost-related sources for the costs and planning of the new courthouse; to provide that the Joint Legislative Committee on the Budget shall review, rather than approve, the plans and costs of the new courthouse; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 66 by Representative Murray

AMENDMENT NO. 1

On page 1, line 5, after "additional fees" delete the remainder of the line and insert in lieu thereof "to fund the planning, designing and construction of a new courthouse;" and delete line 6 in its entirety

AMENDMENT NO. 2

On page 2, between lines 7 and 8, insert the following:

"(2) Any additional funds used for the planning, design or construction of a new courthouse shall come from commercial leasing revenues, contributions from agencies located or to be located in the courthouse, and any other non-court cost related source."

AMENDMENT NO. 3

On page 2, line 12, change "(2)" to "(3)"

AMENDMENT NO. 4

On page 2, line 15, change "(3)" to "(4)"

AMENDMENT NO. 5

On page 2, after line 16, insert the following:

"(5) Any court cost or fee or any increase in a court cost or fee, which is established on or after June 8, 2004, shall be subject to the provisions of R.S. 13:62."

On motion of Senator Marionneaux, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 68—

BY REPRESENTATIVE WOOTON

AN ACT

To amend and reenact R.S. 33:1448(N), relative to group insurance for sheriffs and deputy sheriffs; to require the sheriff of Plaquemines Parish to pay certain premium costs of specified group insurance for certain retired officials and employees; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 159—

BY REPRESENTATIVE QUEZAIRE

AN ACT

To enact R.S. 33:450, relative to mayors' courts; to create a mayor's court of the town of St. Gabriel in Iberville Parish; to provide for jurisdiction of the court; to provide for the power and authority of the mayor; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 184—

BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact Children's Code Articles 116(10), 897.1, and 901(E) and R.S. 15:906(B) and 908(A), to enact Children's Code Article 116(24.1) and (24.2), and to repeal Children's Code Article 728(3.1), relative to the confinement of children adjudicated delinquent; to provide for a list of offenses which require confinement; to provide for definitions; to provide for age limitations with respect to the confinement of children; to provide for the furlough of children adjudicated delinquent of certain crimes; to provide for the preparation of a transitional plan; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 184 by Representative Gray

AMENDMENT NO. 1

On page 2, delete line 11 and insert "secure detention facility. However, no placement of a child to a community-based secure detention facility shall occur when a child has been adjudicated for the commission of a crime listed in Article 901(E) unless notice of such placement is provided to the committing judge and the district attorney."

On motion of Senator Marionneaux, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 185—

BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact Children's Code Articles 804(7), 832, 834, 835, 837, and 838 and to enact Children's Code Article 730(9), relative to juvenile delinquency proceedings; to provide for definitions; to provide relative to the appointment of members of the sanity commission; to provide for requirements relative to the report of the sanity commission; to provide with respect to procedures after a determination has been made regarding mental incapacity to proceed; to provide for procedures to be used when such capacity is regained; to provide for the grounds of a family in need of services proceeding; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 190—

BY REPRESENTATIVE DEWITT

AN ACT

To enact R.S. 27:21.1, relative to the Louisiana Gaming Control Law; to require certain gaming licensees and the casino gaming operator to submit a report of the names of all entities providing professional services to those licensees and the casino gaming operator; to provide for definitions; to provide for the imposition of sanctions; to provide for the adoption of rules; to provide for quarterly submission of the report; to provide for exceptions; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 207—

BY REPRESENTATIVE HILL

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H) and (J), relative to jurisdiction of city courts; to increase the jurisdictional amount in dispute in the City Court of Oakdale; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 233—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact R.S. 30:2057(B)(6) and to enact R.S. 30:2057(B)(7), relative to air quality; to provide for exceptions to requirements for the discharge of air contaminants or noise pollution; to provide for bonfires in certain parishes during the month of December; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Reengrossed House Bill No. 233 by Representative Fauchaux

AMENDMENT NO. 1

On page 1, line 2, between "2057(B)(7)" and the comma "," insert "and (D)"

AMENDMENT NO. 2

On page 1, line 11, change "2057(B)(7) is" to "2057(7) and (D) are"

AMENDMENT NO. 3

On page 2, after line 3, add the following:

"D. Except as permitted in Paragraph (B)(7) of this Section and notwithstanding the provisions of Paragraph (5)(a) of Subsection (B) of this Section, in the parish of St. John the Baptist, the burning of trees, brush, grass, or other vegetable matter shall be prohibited when such burning affects the ambient air quality of any off-site business or residence."

On motion of Senator Fontenot, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 340—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Article 326(B), relative to bail; to provide for the cancellation of the bail bond in felony cases upon entry of a plea of guilty or nolo contendere; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 377—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2054(B)(8) and R.S. 32:1306(C)(3), relative to motor vehicle emissions inspections; to provide for the powers and duties of the secretary of the Department of Environmental Quality; to provide for fees for vehicle inspections; to provide for disposition of funds; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Reengrossed House Bill No. 377 by Representative Damico

AMENDMENT NO. 1

On page 2, line 1, between "from" and "prior" delete "the" and after "prior model" change "year" to "years"

AMENDMENT NO. 2

On page 2, at the beginning of line 15, change "fee" to "eight dollars"

AMENDMENT NO. 3

On page 2, at the end of line 17, delete "as follows:" and at the beginning of line 18, delete "(i) The fee shall be eight dollars"

AMENDMENT NO. 4

On page 2, line 18, change "1996" to "1980"

AMENDMENT NO. 5

On page 3, delete lines 7 thru 11

AMENDMENT NO. 6

On page 3, line 18, change "Sections 2, 3, and 4 of this" to "This"

AMENDMENT NO. 7

On page 3, line 19, delete "Section 2, 3, and 4 of"

AMENDMENT NO. 8

On page 3, delete line 22

On motion of Senator Fontenot the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 394—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 13:2500(C), relative to the jurisdiction of the Municipal Court of New Orleans; to increase the monetary penalty which may be imposed for the violation of a municipal ordinance; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 403—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 15:85.1(A)(2)(a) and (d), relative to posting of criminal bonds; to provide for the distribution of fees assessed in connection with criminal bonds posted in each parish; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 418—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact Code of Civil Procedure Article 3603.1(C), relative to protective orders; to require clerks of court to assist in the preparation of applications for protective orders in certain circumstances; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 445—

BY REPRESENTATIVES ODINET AND HUTTER
AN ACT

To amend and reenact Code of Criminal Procedure Article 202(B)(2) and R.S. 15:574.15(A)(2)(introductory paragraph), relative to the authority of a justice of the peace to issue a warrant for the arrest of a teacher; to require an independent investigation and findings in support of the warrant; to authorize a district court judge exercising criminal jurisdiction to parole persons arrested for certain municipal ordinance violations in a municipality having a population of more than four hundred fifty thousand inhabitants according to the census of the United States for 1980 or any subsequent year; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Engrossed House Bill No. 445 by Representative Odinet

AMENDMENT NO. 1

On page 1, line 2, after "Procedure" delete the remainder of the line and add "Articles 202(B)(2) and 333 (2) and R.S."

AMENDMENT NO. 2

On page 1, line 3, after "to" and before "the" insert "criminal procedure; to provide for"

AMENDMENT NO. 3

On page 1, line 5, after "authorize" delete the remainder of the line and add "certain courts"

AMENDMENT NO. 4

On page 1, line 6, after "to" and before "parole" insert "fix bail and"

AMENDMENT NO. 5

On page 1, at the end of line 6, delete "municipal"

AMENDMENT NO. 6

On page 1, at the beginning of line 7, delete "ordinance"

AMENDMENT NO. 7

On page 1, line 11, change "Article 202(B)(2) is" to "Articles 202(B)(2) and 333 (2) are"

AMENDMENT NO. 8

On page 2, between lines 4 and 5, insert the following:
"Art. 333. Authority to fix bail

The following magistrates, throughout their several territorial jurisdictions, shall have authority to fix bail:

* * *

(2) City or parish courts and municipal and traffic courts of New Orleans, in cases not capital.

* * *

AMENDMENT NO. 9

On page 2, at the end of line 12, after "court" insert a comma "," and add "municipal court and traffic court."

On motion of Senator Marionneaux, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 498—

BY REPRESENTATIVES TRICHE, JOHNS, AND BROOME
AN ACT

To amend and reenact R.S. 46:236.1.1(1), 236.2(A)(2) and (B)(2), and 236.3(A)(1) and (D)(1), relative to child support programs; to provide for definitions; to provide for the electronic transmission of the notice for an income assignment order; to provide for judgments awarding retroactive support; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 508—

BY REPRESENTATIVE M. POWELL
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(2) and (H), relative to the jurisdictional amount in controversy for the City Court of Shreveport; to increase the jurisdictional amount; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 573—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact Code of Civil Procedure Article 3601 and to enact Code of Civil Procedure Article 3603(C), relative to civil procedure; to prohibit the issuance of injunctions or restraining orders which prevent the enforcement of child support orders; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 573 by Representative Johns

AMENDMENT NO. 1

On page 1, line 3, delete "prohibit" and insert "provide relative to"

AMENDMENT NO. 2

On page 2, delete lines 3 through 5 and insert

"B. No court shall issue a temporary restraining order in cases where the issuance shall stay or enjoin the enforcement of a child support order when the Department of Social Services is providing services, except for good cause shown by written reasons made a part of the record."

AMENDMENT NO. 3

On page 2, delete lines 15 through 17 and insert

"C. No court shall issue a temporary restraining order in cases where the issuance shall stay or enjoin the enforcement of a child support order when the Department of Social Services is providing services, except for good cause shown by written reasons made a part of the record."

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 793—

BY REPRESENTATIVE DOVE
AN ACT

To enact R.S. 9:2800.14, relative to a limitation of civil liability; to provide for a limitation of liability for mold or mold damage; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 842—

BY REPRESENTATIVE JOHNS
AN ACT

To enact Civil Code Article 191 and R.S. 9:395.1, relative to paternity; to provide for the establishment of paternity; to provide a time limitation for actions; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 872—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 14:93.10(2)(a), relative to alcoholic beverages; to provide relative to the unlawful sale, purchase and possession of alcoholic beverages; to provide with respect to the definition of public possession; to prohibit persons under the age of eighteen from possessing alcoholic beverages; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 972—

BY REPRESENTATIVE WALKER
AN ACT

To amend and reenact Code of Civil Procedure Article 4843(E)(1) and to enact Code of Civil Procedure Article 4843(L), relative to the jurisdiction of certain city courts; to increase the jurisdictional amount in dispute for the City Court of Bunkie and the City Court of Marksville; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 973—

BY REPRESENTATIVE R. CARTER
AN ACT

To amend and reenact R.S. 13:996.60(A) and to enact R.S. 13:2507.1, relative to judicial expense funds; to establish a judicial expense fund for the Twentieth Judicial District Court and the Traffic Court of New Orleans; to retain provisions providing for the assessment of fees in civil and criminal matters, depositing of sums collected into a separate account designated as the judicial expense fund, annual audits, uses of the fund, and prohibiting uses of the fund for salaries of the judges; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 973 by Representative Carter

AMENDMENT NO. 1

On page 2, line 6, after "A" delete the remainder of the line and insert in lieu thereof "The Traffic Court of New Orleans is authorized to establish a judicial expense fund." and deletes lines 7 through 10

AMENDMENT NO. 2

On page 2, line 11 after "shall" delete the remainder of the line and insert "establish"

AMENDMENT NO. 3

On page 2, at the beginning of line 12, delete "this Section in"

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1099—

BY REPRESENTATIVE R. CARTER
AN ACT

To enact R.S. 22:682, relative to automobile liability insurance; to provide for liability of owners of motor vehicles for certain operators excluded from coverage; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1105—

BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 27:308(B), relative to the Video Draw Poker Devices Control Law; to provide with respect to sanctions of licensees; to provide limitations on sanctions for failure to disclose misdemeanor criminal offenses in license renewal applications; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1112—

BY REPRESENTATIVE PINAC
AN ACT

To enact Part XIII-A of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5071 through 5077, relative to the Master Settlement Agreement; to provide for complementary procedures; to provide for definitions; to require certification; to provide for a directory of tobacco product manufacturers; to provide for an agent for service of process; to require reporting; to provide for the disclosure of information; to provide for escrow funds; to provide for penalties; to authorize the promulgation of rules; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1162—

BY REPRESENTATIVE DOVE
AN ACT

To enact R.S. 9:2800.14, relative to a limitation of civil liability; to provide for a limitation of liability for damages to oyster leases from the transportation of materials to and from a certain location along an approved water route; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1192—

BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact R.S. 36:802.6 and R.S. 44:4.1(B)(1) and to enact Part XVI of Chapter 5 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:559.1 through 559.13, and R.S. 36:629(Q), relative to aquacultural development; to create the Louisiana Aquaculture Coordinating Council; to provide for the membership, organization, powers, and duties of the Louisiana Aquaculture Coordinating Council; to provide for the powers of the commissioner of the Department of Agriculture and Forestry; to provide relative to the Louisiana Wildlife and Fisheries Commission; to require certain aquatic producers to obtain a license or permit; to provide for fees for the issuance of such license or permit; to establish criteria for inspecting licensed facilities; to provide for the deposit and disbursement of fees and penalties; to enumerate violations; to provide for investigations of facilities; to provide civil penalties for violations; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Aquaculture, Forestry, and Rural Development to Reengrossed House Bill No. 1192 by Representative Townsend

AMENDMENT NO. 1

On page 1, lines 4 and 16, change "559.13" to "559.14"

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AMENDMENT NO. 2

On page 2, line 13, after "production" insert a comma "," and "while at the same time protecting the native fish and aquatic life and wildlife and their natural habitat."

AMENDMENT NO. 3

On page 2, at the end of line 26, add "'Aquatic livestock' shall not include those species of fish excluded from this Part by R.S. 3:559.14."

AMENDMENT NO. 4

On page 4, at the end of line 24, delete the period "." and add "and shall have all rights and responsibilities of appointed members, including being counted for purposes of constituting a quorum."

AMENDMENT NO. 5

On page 7, delete line 19 in its entirety and insert in lieu thereof the following:

"B.(1) No rule or regulation authorized by Subsection A of this Section shall be"

AMENDMENT NO. 6

On page 8, line 4, after "shall" delete the remainder of the line and delete lines 5 and 6 in their entirety and insert the following: "be a detailed report including the recommendation as to whether the species is aquatic livestock suitable for aquaculture, the reasons for the recommendations, and proposed regulations"

AMENDMENT NO. 7

On page 8, lines 16, 17, 22, and 25, change "commission" to "Wildlife and Fisheries Commission"

AMENDMENT NO. 8

On page 8, line 28, change "the effective date of this Act" to "July 1, 2004"

AMENDMENT NO. 9

On page 9, line 1, after "livestock," delete the remainder of the line and delete lines 2 and 3 in their entirety and insert in lieu thereof the following: "said rules and regulations may be amended, as appropriate and in the best interest of the state, under the procedures outlined in this Section."

AMENDMENT NO. 10

On page 9, lines 5, 7, 9, and 14, change "commission" to "Wildlife and Fisheries Commission"

AMENDMENT NO. 11

On page 9, lines 14, 17, and 18, change "commission's" to "Wildlife and Fisheries Commission's"

AMENDMENT NO. 12

On page 9, lines 19 and 21, change "commission" to "Wildlife and Fisheries Commission"

AMENDMENT NO. 13

On page 9, line 22, after "secretary" and before the comma ",", insert "and proceeds to adopt rules and regulations in accordance with Subsection D of this Section"

AMENDMENT NO. 14

On page 9, line 23, change "the species" to "that species"

AMENDMENT NO. 15

On page 9, lines 24, 26, and 27, change "commission" to "Wildlife and Fisheries Commission"

AMENDMENT NO. 16

On page 10, line 1, change "commission's" to "Wildlife and Fisheries Commission's"

AMENDMENT NO. 17

On page 10, line 3, change "commission" to "Wildlife and Fisheries Commission"

AMENDMENT NO. 18

On page 10, between lines 15 and 16, insert the following:

"(5) Whether the Department of Wildlife and Fisheries can insure the enforcement of rules and regulations regarding gamefish and the maintenance and preservation of the species to the same extent as existed prior to July 1, 2004."

AMENDMENT NO. 19

On page 12, between lines 13 and 14, insert the following:

"E. The Department of Agriculture and Forestry and the Department of Wildlife and Fisheries are authorized to jointly inspect each facility licensed pursuant to R.S. 3:559.8 to determine that the aquatic livestock and the facility are in compliance with the rules and regulations adopted pursuant to this Part. The two departments shall enter into a memorandum of understanding to delineate the procedures for such inspections."

AMENDMENT NO. 20

On page 15, after line 29, add the following:

"F. Any action brought for civil violation shall not preclude criminal prosecution for the same violation of this Part or rules and regulations promulgated hereunder. Any violation of rules or regulations promulgated by the Wildlife and Fisheries Commission pursuant to R.S. 3:559.7(D) shall be a class two violation as defined by R.S. 56:32."

§559.14. Application

The provisions of this Part shall not apply to largemouth bass (*Micropterus salmoides*), spotted bass (*Micropterus punctulatus*) or black or white crappie (*Pomoxis nigromaculatus*, *P. annularis*).

AMENDMENT NO. 21

On page 16, line 13, delete "(M)." "

On motion of Senator Smith, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1283—

BY REPRESENTATIVE BOWLER

AN ACT

To enact Chapter 30 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2001 through 2003, relative to conflicts of law; to provide for choice of law and forum for certain computer information agreements; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 1283 by Representative Bowler

AMENDMENT NO. 1

On page 2, line 24, after "Choice" delete "of law and choice"

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1351—

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 13:3667.1, 3667.3, and 4163, relative to legislators and legislative employees; to provide with respect to court appearances as witnesses during legislative activities; to require certification of service or employment of legislative employees; to eliminate witness exemptions for certain criminal felony trials; to require a hearing to compel the appearance of a legislator as a witness; to provide for appeal of an order compelling appearance as witness; to provide for continuances and extensions during performance of legislative duties; to provide for appeals of orders relating thereto; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1399—

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 3:3801(A)(introductory paragraph) and 3803 and to enact R.S. 3:3801(A)(14) and (C)(11), 3804(A)(8), 3807(B)(7), 3808(P), and 3816(5) and (6), relative to the landscape irrigation contractors; to provide for the licensing of landscape irrigation contractors; to provide for commission membership; to provide for examination of applicants; to provide for regulation and licensure terms and conditions; to provide for exemptions; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development to Reengrossed House Bill No. 1399 by Representative Salter

AMENDMENT NO. 1

On page 4, line 6, change "system" to "system."

AMENDMENT NO. 2

On page 4, line 8, change "is required to" to "shall"

AMENDMENT NO. 3

On page 4, line 12, between "public" and "water" insert "or private"

AMENDMENT NO. 4

On page 4, line 15, between "of" and "water" insert "a"

On motion of Senator Smith, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1417—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 4:739(A)(3)(a), (E)(1), and (F), relative to electronic bingo card dabber devices; to authorize the office of charitable gaming to establish and collect a fee of not more than eight percent of the lease or rental price of electronic dabber devices; to allow electronic dabber devices to be used with paper other than disposable paper if approved by the office; to provide that electronic dabber devices may be used without purchasing disposable bingo paper; to provide for the adoption of rules to govern the specifications, use, and operation of electronic dabber devices; to provide for the establishment of a list of manufacturers, distributors, and suppliers of electronic dabber devices; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 1417 by Representative Toomy

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete "R.S. 4:739(A)(3)(a)," and insert in lieu thereof "R.S. 4:705(3) and 739(A)(3)(a),"

AMENDMENT NO. 2

On page 1, line 2, after "relative to" insert "charitable raffles, bingo and keno licensing law; to provide for"

AMENDMENT NO. 3

On page 1, line 4, change "eight" to "three"

AMENDMENT NO. 4

On page 1, line 12, after "R.S." delete "4:739(A)(3)(a)," and insert in lieu thereof "4:705(3) and 739(A)(3)(a),"

AMENDMENT NO. 5

On page 1, between lines 13 and 14 insert the following:

"§705. Office functions, duties, and responsibilities

The office shall have the following functions, duties, and responsibilities:

* * *

(3) To establish and collect a fee of not more than three percent of the ideal net proceeds at the point of sale on all pull-tabs or break open tickets, ~~and~~ a fee of not more than five percent on the actual value of all other gaming supplies, and an additional fee of not more than three percent of the lease or rental price of electronic dabber devices.

* * *

On motion of Senator Marionneaux, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1437—

BY REPRESENTATIVE STRAIN

AN ACT

To enact R.S. 40:983.1, relative to controlled dangerous substances; to create the crime of the creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance on or within one thousand feet of school property; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 1437 by Representative Strain

AMENDMENT NO. 1

On page 2, line 6, change "with" to "at"

AMENDMENT NO. 2

On page 2, line 7, delete "or without"

AMENDMENT NO. 3

On page 2, line 7, change "three nor more than five" to "five nor more than fifteen"

AMENDMENT NO. 4

On page 2, line 7, after "years" change the period "." to a semicolon ";" and add the following: "and may, in addition, be sentenced to pay a fine of not more than twenty-five thousand dollars."

On motion of Senator Chaisson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSEBILL NO. 1447 (Substitute for House Bill No. 99 by Representative Baldone)—

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 35:1.1, 71(A) through (E), 191(C)(3), and 201(A), relative to non-attorney notaries; to provide for the filing and renewal of required bonds or insurance coverage; to provide for the granting and suspension of notary commissions; to provide for the qualifications of non-attorney notaries; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1481—

BY REPRESENTATIVES MARTINY AND ANSARDI

AN ACT

To amend and reenact Code of Criminal Procedure Article 336(A)(2) and (3) and to enact Code of Criminal Procedure Article 336(A)(4), relative to release conditioned on participation in pretrial drug testing program; to provide that every person arrested for a felony offense not otherwise required to submit to a pretrial drug test may be required to submit to a pretrial drug test; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1519—

BY REPRESENTATIVE R. CARTER

AN ACT

To amend and reenact Code of Civil Procedure Article 1734(A), relative to the bond for costs related to a civil jury trial; to change the time for filing the bond; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1527—

BY REPRESENTATIVES ST. GERMAIN AND LAMBERT AND SENATOR AMEDEE

AN ACT

To amend and reenact Children's Code Articles 791.1, 791.4, and 791.5, relative to juveniles; to authorize all judicial districts to create truancy and assessment and service centers; to provide with respect to monitoring and evaluation; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1576—

BY REPRESENTATIVE BURNS

AN ACT

To amend and reenact Code of Civil Procedure Articles 2951(A)(1) and 2953, to enact Code of Civil Procedure Article 2951(C) and (D), and to repeal Code of Civil Procedure Article 2953 as amended by Act No. 560 of the 1972 Regular Session, relative to successions; to provide relative to the submission of evidence that no inheritance taxes are due; to repeal duplicate article; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Engrossed House Bill No. 1576 by Representative Burns

AMENDMENT NO. 1

On page 1, line 2, after "enact" insert "R.S. 47:2426 and"

AMENDMENT NO. 2

On page 1, line 6, after "article;" insert "to provide relative to exemptions from the filing of inheritance tax returns;"

AMENDMENT NO. 3

On page 2, delete lines 4 through 11 and insert the following in lieu thereof:

"C.(1) For deaths occurring after June 30, 2004, the filing of an inheritance tax return shall not be required if a judgment of possession is rendered or if the succession is judicially opened no later than the last day of the ninth month following the death of the decedent as provided in R.S. 47:2401(B).

(2) For deaths occurring after June 30, 2004, the provisions of Subsections (A) and (B) of this Article shall not apply if a judgment of possession is rendered or if the succession is judicially opened no later than the last day of the ninth month following the death of the decedent as provided in R.S. 47:2401(B). Upon the application of this Paragraph, the rendering of a judgment of possession, the delivery of an inheritance or legacy, or the discharge of a succession representative shall proceed without delay.

(3) The provisions of this Subsection shall not apply to deaths occurring prior to January 1, 2005, where a federal estate tax return is required."

AMENDMENT NO. 4

On page 2, delete lines 26 through 29

AMENDMENT NO. 5

On page 3, delete lines 1 through 4, and insert the following in lieu thereof:

"C.(1) For deaths occurring after June 30, 2004, proof of the filing with the secretary of the Department of Revenue of an inheritance tax return, including the related succession documentation required under Code of Civil Procedure Article 2951(A)(1), and proof that no inheritance taxes are due or that such taxes have been paid, shall not be required if a judgment of possession is rendered or if the succession is judicially opened no later than the last day of the ninth month following the death of the decedent, as provided in R.S. 47:2401(B).

(2) The provisions of this Subsection shall not apply to deaths occurring prior to January 1, 2005, where a federal estate tax return is required.

Section 2. R.S. 47:2426 is hereby enacted to read as follows:

§2426. Inheritance tax return; exemptions from filing

A.(1) Notwithstanding any provision of this Chapter to the contrary, the provisions of this Section shall apply to deaths occurring after June 30, 2004.

(2) The filing of an inheritance tax return or any other related succession documentation shall not be required if a judgment of possession is rendered or if the succession is judicially opened no later than the last day of the ninth month following the death of the decedent, as provided in R. S. 47:2401(B).

(3) The delivery of an inheritance or legacy shall proceed without delay notwithstanding the provisions of R.S. 47:2407(C) or R.S. 47:2408(C).

B. The provisions of this Section shall not apply to deaths occurring prior to January 1, 2005, where a federal estate tax return is required."

AMENDMENT NO. 6

On page 3, line 5, after "Section" change "2" to "3"

On motion of Senator Lentini, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1670—

BY REPRESENTATIVE MORRISH

AN ACT

To amend and reenact R.S. 3:3414.2(C), (D), (E), and (F) and to enact R.S. 3:3414.2(G) and (H), relative to payments for rice under bid contracts; to provide for certain changes in purchaser requirements; to provide options for producers under bid contracts for rice; and to provide for related matters.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture and Rural Development. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSEBILL NO. 1706 (Substitute for House Bill No. 44 by Representative Lambert)—

BY REPRESENTATIVE LAMBERT

AN ACT

To amend and reenact R.S. 15:255(A)(1), (E)(1), (G), (H), and (I) and to enact R.S. 15:255(A)(4), (E)(5), and (J); relative to witness fees paid to off-duty law enforcement officers; to increase the amount of witness fees paid to off-duty law enforcement officers; to require the law enforcement officer to provide documentation; to require the municipal and parish governing authority to timely transmit the fee to the law enforcement officer; to prohibit an officer from receiving the fee if he has received certain federal compensation; to not prohibit the governing authority of a parish or municipality from entering into a cooperative endeavor agreement; to not require a parish or municipal governing authority to appropriate general fund monies for the payment of the fee; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Reconsideration

On motion of Senator Chaisson, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, June 8, 2004 was reconsidered.

SENATE BILL NO. 101—

BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 13:352(C), and to enact R.S. 13:352(D), relative to expenses of judges of courts of appeal; to eliminate provisions which authorize the use of the balance of filing fees in the courts of appeal to be used for reimbursement of expenses; to authorize an unvouchered expense allowance from such funds; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

Reconsideration

On motion of Senator B. Gautreaux, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, June 8, 2004 was reconsidered.

HOUSE BILL NO. 1579—

BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 26:71.1(4)(d) and R.S. 27:306(A)(8), relative to the operation of video draw poker devices at certain golf courses; to provide with respect to the licensing requirements for the operation of video draw poker devices at certain golf courses; to provide relative to the sale of alcoholic beverages at certain golf courses; to provide for the issuance of a conditional alcoholic beverage permit to certain golf courses; to provide for the continued operation of video draw poker devices at certain golf courses; and to provide for related matters.

On motion of Senator B. Gautreaux, the bill was read by title and returned to the Calendar, subject to call.

Special Order of the Day

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

HOUSE BILL NO. 1659—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 17:10.6, relative to school and district accountability; to provide for the status of a city, parish, or other local public school system which is academically in crisis; to provide for notice of the status; to provide for the powers of the school board of such a system; to provide for the powers of the school superintendent of such a system; to provide for definitions and audit and accounting requirements; and to provide for related matters.

Floor Amendments Sent Up

Senator Duplessis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Duplessis to Reengrossed House Bill No. 1659 by Representative Carter

AMENDMENT NO. 1

On page 4, line 21 after "authority to" insert "contract or employ a superintendent or to"

On motion of Senator Duplessis, the amendments were adopted.

Senator Ellington in the Chair**Floor Amendments Sent Up**

Senator Ullo sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Ullo to Reengrossed House Bill No. 1659 by Representative Carter

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 4 proposed by the Senate Committee on Education and adopted by the Senate on June 8, 2004

AMENDMENT NO. 2

On page 3, between lines 9 and 10, insert the following:

"(h) Reapportion themselves as provided by law."

AMENDMENT NO. 3

On page 3, line 10, change "(h)" to "(i)"

AMENDMENT NO. 4

On page 4, line 13, after "(e)" delete the remainder of the line and delete lines 14 through 16 and insert the following:

"(i)(aa) The superintendent shall develop a structured system improvement plan which contains timetables, measurable goals, and priorities and shall provide for instructional changes, organizational changes, and budgetary changes deemed necessary for the local school system to cease to be academically in crisis. Such plan shall be submitted within one hundred twenty days of receipt of notice of the effectiveness of this Section to the state board for the approval of the state board. If the state board does not approve the plan, the president of the state board shall submit the plan to an independent national organization with the expertise to make an evaluation of the plan which agrees to provide such evaluation to the state board and the superintendent within thirty days of its submission to them which is selected by the committee provided in Subitem (bb) of this Item. Any costs incurred and any payment required by the organization making the evaluation shall be borne by the local board. The plan shall provide for meaningful consultation with parents of children enrolled in the school system, an effective and comprehensive program of parental involvement strategies and activities to build the schools' and parents' capacity for strong parental involvement. The plan shall be revised by the superintendent as determined necessary for approval by the independent evaluator.

(bb) The independent national organization shall be selected by a majority vote of a committee composed of a member of the State Board of Elementary of Secondary Education appointed by the president of the state board, an educator appointed by the governor, and a member of the local school board chosen by its president.

(ii) Once the plan is approved whether by the state board or by the independent national organization, the superintendent shall implement the approved plan and shall report quarterly to the local board and the state board on the progress being made in implementing the approved plan."

On motion of Senator Ullo, the amendments were adopted.

The bill was read by title. Senator Duplessis moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the amended bill was passed. The title was read and adopted. Senator Duplessis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair**Special Order of the Day**

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

HOUSE BILL NO. 61—

BY REPRESENTATIVES SCALISE, CROWE, ALEXANDER BADON, BURNS, ERDEY, FAUCHEUX, FLAVIN, FRITH, GEYMAN, JOHNS, LABRUZZO, T. POWELL, SMILEY, JANE SMITH, JOHN SMITH, AND WALKER AND SENATORS CAIN, MICHOT, AND THEUNISSEN

A JOINT RESOLUTION

Proposing an amendment to the Constitution of Louisiana, to enact Article I, Section 27, relative to marriage; to provide for valid and recognized marriages; to provide for the legal incidents of marriage; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed House Bill No. 61 by Representative Scalise

AMENDMENT NO. 1

On page 1, line 12, delete "No official or court of the state of Louisiana shall"

AMENDMENT NO. 2

On page 1, delete lines 13 through 15 in their entirety and on line 16, delete "marriage for unmarried individuals shall not be valid or recognized."

AMENDMENT NO. 3

In Senate Conforming Floor Amendment No. 8 proposed by the Senate and adopted by the Senate on May 20, 2004, on line 24, delete "change the semicolon ";" to a comma "," and insert "delete the semicolon ";"

AMENDMENT NO. 4

On page 2, line 9, delete "that legal incidents of marriage shall not be"

AMENDMENT NO. 5

Delete Senate Conforming Floor Amendment No. 9 proposed by the Senate and adopted by the Senate on May 20, 2004.

AMENDMENT NO. 6

On page 2, delete lines 10 through 14 in their entirety and insert the following:

"and that no official or court of the state of Louisiana shall recognize any marriage contracted in any other jurisdiction which is not the union of one man and one woman. (Adds Article XII, Section 15)"

Senator Chaisson moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Dupre	Holden
Boasso	Fields	Jackson
Boissiere	Gautreaux, B	Jones
Chaisson	Gautreaux, N	Marionneaux
Total—12		

NAYS

Adley	Ellington	Michot
Amedee	Fontenot	Mount
Barham	Hainkel	Nevers
Cain	Heitmeier	Romero
Cheek	Hollis	Schedler
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total—24		

ABSENT

Mr. President	Irons	McPherson
Total—3		

The Chair declared the amendments were rejected.

Senator Bajoie in the Chair

The bill was read by title. Senator Hainkel moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	McPherson
Amedee	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hainkel	Nevers
Cain	Heitmeier	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	
Ellington	Marionneaux	
Total—31		

NAYS

Boissiere	Fields	Jackson
Chaisson	Holden	Jones
Total—6		

ABSENT

Mr. President	Bajoie
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senate Resolutions
on Second Reading
Reported by Committees**

The following Senate Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE RESOLUTION NO. 94—
BY SENATOR DARDENNE**

A RESOLUTION

To request the Senate Committee on Judiciary B to study the creation of a youthful offender program or another form of blended sentencing as a sentencing alternative for judges when imposing a sentence upon a juvenile offender.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Resolution No. 94 by Senator Dardenne

AMENDMENT NO. 1

On page 4, between lines 26 and 27 insert the following:

"(16) A representative of the Department of Public Safety and Corrections."

On motion of Senator Marionneaux, the committee amendment was adopted.

On motion of Senator Dardenne, the amended resolution was read by title and adopted.

**Senate Concurrent Resolutions
on Second Reading
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 56—
BY SENATORS DARDENNE AND SMITH**

A CONCURRENT RESOLUTION

To direct the legislative auditor to compile a report on the cost of operating the district court system in Louisiana for presentation to the legislature prior to the 2005 Regular Session; to request assistance of various state and local governmental entities which perform various district court functions or provide financial support of the court system; and to report to the legislature any limitations imposed on the compilation of timely, relevant, and accurate information on the operations of the district court system.

Reported favorably by the Committee on Judiciary A.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Kostelka
Amedee	Ellington	Lentini
Bajoie	Fields	Malone
Barham	Fontenot	Marionneaux
Boasso	Gautreaux, B	McPherson
Boissiere	Gautreaux, N	Michot
Cain	Heitmeier	Mount
Chaisson	Holden	Nevers
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—36		

NAYS

Total—0

ABSENT

Mr. President	Hainkel	Romero
Total—3		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 62—

BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Environmental Quality and each member of the Louisiana delegation to the United States Congress to support federal regulations mandating restrictions on mercury emissions and discharges to reduce mercury contamination in the environment.

Reported favorably by the Committee on Environmental Quality.

The resolution was read by title. Senator Holden moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Duplessis	Jones
Amedee	Dupre	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Total—33		

NAYS

Ellington	Kostelka	Malone
Total—3		

ABSENT

Mr. President	Hainkel	Lentini
Total—3		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Cheek asked that Senate Bill No. 591 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 591— BY SENATOR CHEEK

AN ACT

To enact R.S. 22:11.1, relative to health insurance; to provide for a credentialing process for health insurance issuers who contract directly with health care providers for health care services; and to provide for related matters.

Floor Amendments Sent Up

Senator Cheek sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cheek to Engrossed Senate Bill No. 591 by Senator Cheek

AMENDMENT NO. 1

On page 1, between lines 14 and 15 insert the following:

“(3) “Credentialing” means the process of assessing and validating the qualifications of health care providers applying to be approved by a health insurance issuer to provide health care services to the health insurance issuer’s enrollees or insureds.”

AMENDMENT NO. 2

On page 1, line 15, change “(3)” to “(4)”

AMENDMENT NO. 3

On page 1, line 17, change “(4)” to “(5)”

AMENDMENT NO. 4

On page 2, line 6, change “(5)” to “(6)”

AMENDMENT NO. 5

On page 2, line 10, change “(6)” to “(7)”

AMENDMENT NO. 6

On page 2, line 13, change “(7)” to “(8)”

AMENDMENT NO. 7

On page 2, line 20, after “judgment” and before the period “.” insert the following: “and information mandated by health insurance issuer accrediting organizations”

AMENDMENT NO. 8

On page 2, line 21, change “(8)” to “(9)”

AMENDMENT NO. 9

On page 2, line 24, after “depository” and before the comma “,” insert the following: “providing primary source verification”

AMENDMENT NO. 10

On page 3, line 1, after “shall” delete the remainder of the line and lines 2 through 5 in their entirety and insert the following: “complete a credentialing process within ninety days from the date on which the issuer has received all the information needed for credentialing, including the health care provider’s correctly completed application and attestations and all verifications or verification supporting statements”

AMENDMENT NO. 11

On page 3, delete lines 10 through 16 in its entirety and insert the following:

“(2) A health insurance issuer shall inform the applicant in the event that any needed verification or verification supporting statement has not been received within sixty days of the date of the issuer’s request.”

AMENDMENT NO. 12

On page 3, line 17, change “(2)” to “(3)”

AMENDMENT NO. 13

On page 3, line 19, after “services,” delete the remainder of the line and delete lines 20 through 29 in their entirety and insert the following: “until submission of an applicant’s standardized information in a hard-copy, paper format is superseded by providers’ required submission and health insurance issuers’ required acceptance by electronic transmission, applicants shall utilize and health insurance issuers shall accept one of the following:

(a) the current version of the Louisiana Standardized Credentialing Application Form, or its successor; or

(b) the current format used by the Council for Affordable Quality Healthcare (CAQH), or its successor.”

AMENDMENT NO. 14

On page 4, delete lines 1 through 4 in their entirety and on line 5, change “(3)” to “(4)” and on line 8, change “(2)” to “(3)”

AMENDMENT NO. 15

On page 4, line 6, after “shown,” delete the remainder of the line and line 7 in its entirety and insert the following: “exempt a health”

AMENDMENT NO. 16

On page 4, line 21, after “Section 3.” delete the remainder of the line and line 22 in its entirety and insert the following: “The provisions of this Part shall not apply in the case of a court order or a court-approved settlement containing requirements related to provider credentialing.

Section 4. This Act shall be effective November 1, 2004.”

On motion of Senator Cheek, the amendments were adopted.

The bill was read by title. Senator Cheek moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Kostelka
Amedee	Ellington	Malone
Bajoie	Fields	Marionneaux
Barham	Fontenot	McPherson
Boasso	Gautreaux, B	Michot
Boissiere	Gautreaux, N	Mount
Cain	Heitmeier	Nevers

Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—36		

NAYS

Total—0

ABSENT

Mr. President	Hainkel	Lentini
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cheek moved to reconsider the vote by which the bill was passed and laid the motion on the table.

House Concurrent Resolutions on Second Reading Reported by Committees

The following House Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 113—

BY REPRESENTATIVES BALDONE BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, GEYMAN, M. GUILLORY, HILL, HUDSON, LAFLEUR, MORRISH, JACK SMITH, ST. GERMAIN, STRAIN AND THOMPSON

A CONCURRENT RESOLUTION

To memorialize congress to oppose the Central America Free Trade Agreement and other free trade agreements which are harmful to American sugar producers.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

The resolution was read by title. Senator Dupre moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boissiere	Gautreaux, N	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cravins	Hollis	Schedler
Dardenne	Irons	Smith
Duplessis	Jones	Theunissen
Dupre	Kostelka	Ullo
Total—33		

NAYS

Total—0

ABSENT

Mr. President	Cheek	Jackson
Boasso	Hainkel	Lentini
Total—6		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 137—

BY REPRESENTATIVES ODINET, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, GEYMAN, M. GUILLORY, HILL, KENNEY, LAFLEUR, MORRISH, JACK SMITH, ST. GERMAIN, STRAIN, AND THOMPSON

A CONCURRENT RESOLUTION

To request the Department of Agriculture and Forestry, the Department of Wildlife and Fisheries, and the Department of Health and Hospitals to form an interagency task force to examine agricultural commodities imported into Louisiana from the state of California to confirm their compliance with public health and safety standards.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

The resolution was read by title. Senator Ellington moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Hainkel	Nevers
Boissiere	Heitmeier	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Malone	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Gautreaux, N	Lentini
Cheek	Jackson	
Total—5		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 139—

BY REPRESENTATIVE BURNS

A CONCURRENT RESOLUTION

To urge and request the Marriage Persons Committee of the Louisiana State Law Institute to study Louisiana's child custody and visitation laws and make specific recommendations on or before January 15, 2006, for revisions to state law.

Reported favorably by the Committee on Judiciary A.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cravins	Hollis	Smith
Dardenne	Irons	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Jackson
Cheek	Lentini
Total—4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 157—

BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections to establish a character and faith-based program to provide persons released from incarceration from state correctional facilities with fundamental resources in the areas of employment, life skills training, and job skill enhancements and placement, as well as access to as many support services as possible in order to appreciably increase the likelihood of the offender's successful reentry into society.

Reported favorably by the Committee on Judiciary C.

The resolution was read by title. Senator Fields moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Heitmeier	Schedler
Cheek	Holden	Smith
Cravins	Hollis	Theunissen
Dardenne	Irons	Ullo
Duplessis	Jones	
Dupre	Malone	
Total—34		

NAYS

Kostelka
Total—1

ABSENT

Mr. President	Jackson
Boasso	Lentini
Total—4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 158—
BY REPRESENTATIVE BOWLER

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study Louisiana's visitation statutes and make specific recommendation on or before January 15, 2005, for revisions to state laws.

Reported favorably by the Committee on Judiciary A.

The resolution was read by title. Senator Nevers moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux, B	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo

Dardenne
Duplessis
Total—34

Jones
Malone

NAYS

Kostelka
Total—1

ABSENT

Mr. President	Jackson
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Gautreaux, N	Lentini
Total—4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 195—

BY REPRESENTATIVES STRAIN AND THOMPSON

A CONCURRENT RESOLUTION

To memorialize congress to oppose the Australian Free Trade Agreement (AUSFTA) and other free trade agreements which are harmful to American dairy producers.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

The resolution was read by title. Senator Nevers moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Malone	
Total—34		

NAYS

Hainkel
Total—1

ABSENT

Mr. President	Jackson
Boasso	Lentini
Total—4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 201—
BY REPRESENTATIVE THOMPSON**A CONCURRENT RESOLUTION**

To urge and request retailers within the state of Louisiana to promote Louisiana dairy products and value-added products within the Louisiana dairy industry.

Reported favorably by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

The resolution was read by title. Senator Nevers moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Hainkel	Romero
Chaisson	Heitmeier	Schedler
Cheek	Holden	Smith
Cravins	Hollis	Theunissen
Dardenne	Irons	Ullo
Duplessis	Jones	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Kostelka
Jackson	Lentini
Total—4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**House Bills and Joint Resolutions on
Third Reading
and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 177—

BY REPRESENTATIVES MONTGOMERY AND JANE SMITH
AN ACT

To enact R.S. 17:2138(C), to provide for the applicability of certain requirements for admission to Louisiana public colleges and universities, including minimum scores on specified tests; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed House Bill No. 177 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 2, after "(C)" insert "and (D)"

AMENDMENT NO. 2

On page 1, line 7, change "is" to "and (D) are"

AMENDMENT NO. 3

On page 1, between lines 14 and 15, insert the following:

"D. Effective for the 2004-2005 academic year and thereafter, the provisions of this Section shall not be applicable to any person who is a resident of another state and who is seeking admission to any Louisiana public college or university who meets National Collegiate Athletic Association initial eligibility standards required for participation in intercollegiate athletics."

On motion of Senator Dardenne, the amendments were adopted.

The bill was read by title. Senator Theunissen moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Kostelka
Hainkel	Lentini
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 201—

BY REPRESENTATIVES DARTEZ AND ST. GERMAIN
AN ACT

To amend and reenact R.S. 56:305(B)(4)(f) and 322.2(G), relative to use of shad gill nets; to authorize such use in certain waterbodies; and to provide for related matters.

On motion of Senator B. Gautreaux, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 246—

BY REPRESENTATIVES DANIEL, JACKSON, DORSEY, AND SCALISE
AN ACT

To enact R.S. 47:463.126 and 463.127, relative to motor vehicles; to provide relative to license plates; to create the Louisiana State University National Champions and the Southern University Black College National Champions prestige license plates; to provide for the issuance of such plates; to provide for the design and color of such plates; to provide relative to the fees for such plates, including a royalty fee for the use of the organizational design and logo on such plates; to designate the use of such royalty fees; to authorize the promulgation of rules and regulations; to require a contract relative to royalty fees; and to provide for related matters.

The bill was read by title. Senator Fields moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Dupre	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Mr. President	Lentini
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Fields moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 251—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 33:4574.13(A) and (C)(1)(e), relative to the Madison Parish Tourism Commission; to authorize the commission to levy a hotel occupancy tax without voter approval; and to provide for related matters.

The bill was read by title. Senator Jones moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Heitmeier	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Hainkel	Lentini
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 270—

BY REPRESENTATIVE PITRE
AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(3), relative to the Lafourche Parish Tourist Commission; to provide relative to the hotel occupancy tax levied by the commission; to provide relative to the definition of the term "hotel" as it applies in Lafourche Parish; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
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Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jackson	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Jones Lentini

Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

HOUSE BILL NO. 415—

BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 56:305.6, relative to moratoriums on the purchase of crab trap gear licenses; to institute a moratorium from January 1, 2005 through December 31, 2005; and to provide for related matters.

Floor Amendments Sent Up

Senator B. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Gautreaux to Engrossed House Bill No. 415 by Representative Jack Smith

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 3, proposed by the Senate Committee on Natural Resources, and adopted by the Senate on June 1, 2004.

AMENDMENT NO. 2

On page 1, delete lines 8 through 11, and insert in lieu thereof ~~“Notwithstanding any other provision of the law to the contrary, on or after January 1, 1996 through December 31, 1998, no person shall be issued a commercial crab trap gear license unless that person possessed a valid commercial crab trap gear license for the year 1993, 1994, or 1995.”~~

AMENDMENT NO. 3

On page 1, line 12, delete “B.”

On motion of Senator B. Gautreaux, the amendments were adopted.

The bill was read by title. Senator B. Gautreaux moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator B. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 417—

BY REPRESENTATIVE RICHMOND
AN ACT

To enact R.S. 33:9078, relative to the Kenilworth Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

The bill was read by title. Senator Duplessis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson

Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jackson	
Duplessis	Jones	
Total—37		

NAYS

Total—0

ABSENT

Lentini	Malone
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Duplessis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 486—

BY REPRESENTATIVE MCDONALD

AN ACT

To amend and reenact R.S. 17:3098(B)(2) and to repeal R.S. 17:3095(A)(1)(c), relative to the Louisiana Tuition Trust Authority; to provide for the payment of refunds upon termination of an education savings account; to repeal the requirement that education savings accounts shall be invested in either fixed earnings or variable earnings, but not both; to provide for an effective date; and to provide for related matters

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 691—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 23:215(A), (B), and (D) and to enact R.S. 23:215(E) and (F), relative to the employment of minors; to provide work hours for minors; to provide for written parental consent; to define "school day"; to provide for minors with equivalency diplomas; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 691 by Representative Johns

AMENDMENT NO. 1

Delete Senate Committee Amendments Nos. 1, 2, and 3 proposed by the Senate Committee On Labor and Industrial Relations and adopted by the Senate on June 1, 2004.

AMENDMENT NO. 2

On page 1, at the end of line 2 delete "and (F)"

AMENDMENT NO. 3

On page 1, line 8 after "23:215(E)" delete "and (F)"

AMENDMENT NO. 4

On page 1, line 10 after "A." insert "(1)" and after "age" delete "or older"

AMENDMENT NO. 5

On page 1, line 13 change "10:00 p.m." to "11:00 p.m."

AMENDMENT NO. 6

On page 1, line 14 change "1:30 a.m." to "5:00 a.m."

AMENDMENT NO. 7

On page 1, line 14 after "school day" insert a period "." and delete the remainder of the line and lines 15 through 18.

AMENDMENT NO. 8

On page 1, between lines 18 and 19 insert the following:

"(2) No minor seventeen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m. prior to the start of any school day."

AMENDMENT NO. 9

On page 2, delete lines 14 through 18

Senator Dardenne moved adoption of the amendments.

Senator Cravins objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Barham	Fontenot	McPherson
Boasso	Gautreaux, B	Michot
Boissiere	Gautreaux, N	Mount
Cain	Hainkel	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Dardenne	Jackson	Smith
Duplessis	Jones	Theunissen
Total—33		

NAYS

Bajoie	Heitmeier	Lentini
Cravins	Irons	Ullo
Total—6		

ABSENT

Total—0

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Holden sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Holden to Reengrossed House Bill No. 691 by Representative Johns

AMENDMENT NO. 1

On page 1, line 2, between "(E) and (F)", replace "and" with "," and after "(F)", insert "and (G)"

AMENDMENT NO. 2

On page 2, after line 18, insert the following:

" (G) Employment pursuant to this Section shall be subject to the provisions of any local curfew ordinance."

On motion of Senator Holden, the amendments were adopted.

Floor Amendments Sent Up

Senator Nevers sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Nevers to Reengrossed House Bill No. 691 by Representative Johns

AMENDMENT NO. 1

On page 2, line 5, after "day." insert "Minors who are employed in the dairy industry shall be exempt from the provisions of this Section."

Senator Nevers moved adoption of the amendments.

Senator Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Amedee	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Cheek	Holden	Romero
Dardenne	Hollis	Smith
Duplessis	Jones	Theunissen
Dupre	Kostelka	Ullo
Total—30		

NAYS

Bajoie	Fields	Lentini
Chaisson	Irons	
Total—5		

ABSENT

Adley	Jackson
Cravins	Schedler
Total—4	

The Chair declared the amendments were adopted.

The bill was read by title. Senator Dardenne moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Jones	Smith
Dardenne	Kostelka	Theunissen
Total—30		

NAYS

Bajoie
Cravins
Fields
Total—8

Heitmeier
Irons
Jackson

Lentini
Ullo

ABSENT

Hainkel
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 789—

BY REPRESENTATIVE FUTRELL

AN ACT

To amend and reenact R.S. 32:387(J)(1), relative to special permits; to provide relative to special container permits issued by the Department of Transportation and Development; to provide relative to certain requirements for issuance of such permits; and to provide for related matters.

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Reengrossed House Bill No. 789 by Representative Futrell

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 1 proposed by the Senate Committee on Transportation, Highways, and Public Works and adopted by the Senate on May 27, 2004.

On motion of Senator Heitmeier, the amendments were adopted.

The bill was read by title. Senator Heitmeier moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boasso
Boissiere
Cain
Chaisson
Cheek
Cravins
Dardenne
Duplessis
Dupre
Total—37

Ellington
Fields
Fontenot
Gautreaux, B
Gautreaux, N
Heitmeier
Holden
Hollis
Irons
Jackson
Jones
Kostelka
Lentini

Malone
Marionneaux
McPherson
Michot
Mount
Nevers
Romero
Schedler
Smith
Theunissen
Ullo

NAYS

Total—0

ABSENT

Amedee
Total—2

Hainkel

The Chair declared the amended bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Appointment of Conference Committee
on Senate Bill No. 161**

The President of the Senate appointed the following members to confer with a like committee from the House for the purpose of considering the disagreement on Senate Bill No. 161: Senators B. Gautreaux, Smith and Hainkel.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

June 9, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 513—

BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 47:1856(D)(3), (E), and (F), 1857(B)(1)(c) and (2), 1998(A)(1)(b)(ii), 2110(A)(2) and (3), (C), (E), and (F), relative to ad valorem property tax payment under protest procedure; to provide for the effectiveness of certain procedures; to provide for the use of protested amounts; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 394—

BY SENATORS BARHAM, MARIONNEAUX, CAIN AND NEVERS

AN ACT

To enact R.S. 47:337.10(I), relative to taxation by political subdivisions; to provide for an exemption for diesel fuel; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 825—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 47:337.2(C)(1)(b) and (5) and to enact Part H of Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be composed of R.S. 47:337.91 through 337.100, relative to the sales and use tax of political subdivisions; to create the Uniform Local Sales Tax Procedure Act; to provide a procedure for the adoption of certain regulations of local tax authorities; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 581—
BY SENATOR SCHEDLER

AN ACT

To enact Civil Code Art. 2713(C), relative to obligations of the lessee; to provide relative to eviction; to provide relative to failure to comply with a order of eviction; to require lessee to pay court costs in such instances; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 564—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 9:315.9(A)(6), 315.18(C), and 374(C) and to enact R.S. 9:315.9(A)(7), relative to child support; to provide for discretion in awarding a dependency exemption; to provide for the pro rata sharing of uncovered medical expenses in a shared custody arrangement; to provide relative to rental or mortgage note reimbursement when sole use of the home is made; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 555—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:361.2, relative to motor vehicle safety; to provide for medical exemptions to restrictions on tint on motor vehicle windows; to provide for the review of such exemptions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 695—
BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 31:149, and to repeal R.S. 31:149.1, 149.2, 149.3, 150, 151, and 152, relative to mineral rights in land acquired or expropriated by governments or governmental agencies; to provide certain procedures, terms, and conditions relative to such mineral rights; to provide relative to the prescription of nonuse; to repeal certain provisions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 805—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 13:3881(A)(introductory paragraph) and to enact R.S. 13:3881(A)(6), relative to general exemptions from seizure; to provide that federal earned income tax credit of a debtor shall be exempt from seizure; to provide for exceptions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 160—
BY SENATOR HAINKEL

AN ACT

To repeal R.S. 56:1855(K), relative to natural and scenic rivers; to provide relative to exceptions; to repeal the exception authorizing certain commercial or suburban agricultural zoning exemptions for tracts of land located along the Tchefuncte River between Louisiana Highway No. 22 and Lake Pontchartrain; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 368—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 38:291(F)(1)(d) and (2), and to enact R.S. 38:325(C)(4), relative to the Lafourche Basin Levee District; to provide for the authority, powers, duties, functions, and membership of the district; to provide for the scope of activities of the district; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 496—
BY SENATORS SCHEDLER, ADLEY, AMEDEE, BARHAM, BOASSO, BOISSIERE, CHEEK, CRAVINS, DARDENNE, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HAINKEL, HINES, HOLDEN, HOLLIS, IRONS, JONES, KOSTELKA, LENTINI, MICHOT, NEVERS, ROMERO, SMITH AND THEUNISSEN

AN ACT

To designate a portion of Interstate 10 from the Mississippi State Line as the Stephen E. Ambrose Memorial Parkway; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 105—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 56:2(D), relative to wildlife and fisheries; to provide relative to the Wildlife and Fisheries Commission; to provide for the elections of the chairman and vice-chairman; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 460—
BY SENATORS DUPRE, LENTINI, MARIONNEAUX AND NEVERS

AN ACT

To amend and reenact R.S. 47:1703(A), relative to the homestead exemption; to require any taxpayer entitled to the homestead exemption to own and occupy the homestead before a certain

date in the calendar year in which the exemption is claimed; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 822—
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 32:661(A)(2)(b), relative to toxicology screens on victims of all traffic fatalities; to provide for the use of the most current scientific testing available to determine content of alcohol at the time of death; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 140—
BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 40:1300.51(3) and to enact R.S. 40:1300.51(2)(h), (i) and (j), relative to those employed to care for the infirm; to provide for criminal background checks on those seeking employment at agencies that care for the infirm; to provide a bar to employment in these agencies of persons convicted of certain offenses; to provide for an effective date; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 487—
BY SENATOR HEITMEIER

AN ACT

To amend R.S. 32:413(B), relative to licenses; to waive collection of any charges required for duplicate licenses under certain conditions; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 434—
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 2:903(B), relative to airports; to provide relative to the General Aviation and Reliever Airport Maintenance Grant Program; to authorize the use of Transportation Trust Fund monies; to provide limitations; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 169—
BY SENATOR IRONS

AN ACT

To amend and reenact Children's Code Articles 607(A) and 1016(B), relative to the protection of children; to provide with respect to right to counsel for children in the custody of the state; to provide for qualified counsel in child protection proceedings in accordance with federal Child Abuse Prevention and Treatment Act requirements; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 190—
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 9:203(E), relative to marriage officiants, judges and justices of the peace; to extend the authority for certain federal judges to preside over a marriage ceremony until December, 2004; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 226—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 35:12(A), (B), and (D), relative to notaries public; to provide relative to names required on notarial acts; to authorize the use of initials; to provide that such names need not necessarily be Christian names; to authorize the use of stamps for the application of such names; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 46—
BY SENATORS THEUNISSEN, CHEEK AND MARIONNEAUX

AN ACT

To enact Subpart G-1 of Part IV of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:200, relative to the use of electric personal assistive mobility devices; to provide for the operation of such devices by those individuals with mobility impairments; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 289—
BY SENATORS BOISSIERE, LENTINI AND ULLO, AND
REPRESENTATIVES ANSARDI, DAMICO AND LANCASTER

AN ACT

To amend and reenact R.S. 38:2212(C)(2)(a), relative to public work; to require public entities to transmit addendum to bids for contracts for such work exceeding the contract limit by certain means; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 52—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 9:3198(A), relative to real estate; to provide relative to the sale of such property; to provide relative to homeowners' associations; to require disclosure by the seller to a potential purchaser of required membership in such an association as a result of the purchase; to require information relative to accessibility of certain documents of such homeowners' association; to provide for definitions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 97—

BY SENATOR ADLEY (By Request)

AN ACT

To amend and reenact R.S. 37:2301, 2302(2) and (3), 2303(A)(5), 2308, 2309(B), (D), (G), (H), (K) and (L), 2313(A)(2)(d) and (e), and 2317(B), relative to the maintenance and repair of citizen band radios; to repeal requirements that a person must be licensed by the Louisiana State Radio and Technicians Board in order to repair a citizen band radio; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 196—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 32:387(C)(3)(a)(ii), relative to weight and load of vehicles; to provide relative to special permits for vehicles which transport forestry products; to provide certain exceptions; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 267—

BY SENATORS ULLO, HAINKEL, HOLLIS, LENTINI, DUPRE AND HEITMEIER AND REPRESENTATIVES ALARIO, ANSARDI, BOWLER, DAMICO, LABRUZZO, LANCASTER, MARTINY, SCALISE, SHEPHERD, TOOMY, TUCKER AND WOOTON

AN ACT

To rename the Lafitte Larose Boulevard to the Leo Kerner/Lafitte Parkway in Jefferson Parish; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 347—

BY SENATOR SMITH

AN ACT

To enact R.S. 48:282, relative to the sale of timber by the Department of Transportation and Development; to authorize the department to sell timber which has been cut or felled on state highway rights-of-way; to provide for the use of the proceeds; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 138—

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 13:2575.2, relative to administrative adjudication procedures and judicial reviews of code violations in the parish of St. Tammany; to provide additional administrative adjudication procedures in St. Tammany Parish; to provide additional judicial review procedures in St. Tammany Parish; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 227—

BY SENATOR DARDENNE

(On Recommendation of the La State Law Institute)

AN ACT

To amend and reenact R.S. 9:1149.5, 4521 (introductory paragraph), 4870(B)(introductory paragraph) and 4888(B)(introductory paragraph); R.S. 10:9-102(a)(2), (40), and (46), 9-107.1(b), 9-

107.2, 9-109(d)(11)(C), 9-304(b)(1), 9-309(1), 9-311(b), 9-406(f)(introductory paragraph), 9-408(c)(introductory paragraph) and (d)(introductory paragraph), 9-409(a)(introductory paragraph), 9-501(a)(2), 9-513(a)(2) and (c)(introductory paragraph) and 9-516(a)(2); R.S. 32:706(D) and 710(F); and R.S. 39:1430.1, relative to security devices on movable property; to provide for uniformity between the Uniform Commercial Code and Louisiana law; to provide for definitions of account, fixture filings, and health-care-insurance-receivables; to provide for the consent of the beneficiary to a security interest life insurance policy; to provide for exercising control conditioned on default; to provide for the scope of fixture filings; to provide rules determining a bank's jurisdiction; to provide for the relation of titled motor vehicles to provisions of commercial laws relative to secured transactions; to provide for restrictions on assignments; to provide for the place of filing, the need for filing termination statements, and for what constitutes filing; to provide for the relation of the oil and gas lien law to provisions of commercial laws relative to secured transactions; to provide for security devices on a manufactured home; to provide for security devices by public entities; to provide for the correction of citations; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 302—

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:1299.39.1(A)(1)(a) and 1299.47(A)(1)(a), relative to medical malpractice; to provide for medical review panel reports to be non-reportable; to provide for the filing of a request for a medical review panel to be non-reportable; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 359—

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:1299.44(A)(3)(b) and (6)(a), 1299.45(A)(2), and 1299.47(A)(2)(a) and (b) and (C)(3)(f), and to enact R.S. 40:1299.47(A)(1)(g) and (C)(3)(g), (h), (i), and (j), relative to the Louisiana Medical Malpractice Act; to provide with respect to claims covered under the Act; to provide that the patient's compensation fund shall be maintained so as to provide a surplus of thirty percent of the annual surcharge premiums, reserves established for individual claims, reserves established for incurred but not reported claims, and expenses; to provide with respect to a corporation, partnership, limited liability partnership, or limited liability company that desires to be qualified as a health care provider, with the payment of an additional surcharge, and the filing of a proof of financial responsibility with the board; to provide with respect to certain filing fees in connection with the naming of additional qualified defendants named in any amendment to the request for review; to provide that all amendments to a request for review shall be filed with the division of administration and that upon receipt of any amendment, the division of administration is required to forward the amendment to the Patient's Compensation Fund Oversight Board within five days; to provide with respect to

membership on a medical review panel; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 152—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact the introductory paragraph of R.S. 32:387.7(A), 387.7(A)(3) and (B), and the introductory paragraph of R.S. 32:387.9, 387.9(3) and (5), and to enact R.S. 32:387.7(A)(5) and 387.9(6), relative to special permits; to provide for the issuance of special sugarcane and agronomic or horticultural permits to operators of vehicles; to provide for the specificity of such permits; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 269—

BY SENATOR CAIN

AN ACT

To re-designate a portion of U. S. 90 in Calcasieu Parish as the "Veterans Memorial Highway 90."

Reported without amendments.

SENATE BILL NO. 346—

BY SENATORS CHAISSON AND AMEDEE

AN ACT

To amend and reenact R.S. 34:2471(A)(1)(d), (3)(d), (6), and (7), 2473(B)(3) and (F)(1) and (2), and 2474(B), and to enact R.S. 34:2471(A)(8), 2472(D), 2476.1, 2476.2, and 2476.3, relative to the Port of South Louisiana; to provide for the membership, powers, duties, and functions of the Port of South Louisiana Commission; to provide relative to contracts for professional services; to provide for the authority to issue bonds and levy taxes; to provide for economic and industrial development functions; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

June 9, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 148—

BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To urge and request the Senate and House committees on transportation, highways and public works to meet and function as a joint committee for the purpose of studying and making recommendations regarding the operation of locomotives by remote control.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

June 9, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 1005—

BY REPRESENTATIVES MONTGOMERY AND CURTIS

AN ACT

To amend and reenact R.S. 11:2175(E)(1), relative to the Sheriffs' Pension and Relief Fund; to provide an earnings limitation for retirees who return to part-time employment; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1327—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 17:2354(F), relative to anatomical gifts; to provide for the manner in which a gift may be made; to correct a statutory reference; and to provide for related matters.

**HOUSE BILL NO. 1724 (Substitute for House Bill No. 1214
by Representative Schneider)—**

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:502 and 502.2(A) and (B)(1), relative to the Louisiana State Employees' Retirement System; to provide for eligibility to participate in the optional retirement plan; to provide for transfer from the optional retirement plan to the defined benefit plan; to provide for an effective date; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

House Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint

Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE BILL NO. 1005—

BY REPRESENTATIVES MONTGOMERY AND CURTIS
AN ACT

To amend and reenact R.S. 11:2175(E)(1), relative to the Sheriffs' Pension and Relief Fund; to provide an earnings limitation for retirees who return to part-time employment; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

HOUSE BILL NO. 1327—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 17:2354(F), relative to anatomical gifts; to provide for the manner in which a gift may be made; to correct a statutory reference; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

HOUSE BILL NO. 1724 (Substitute for House Bill No. 1214 by Representative Schneider)—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 11:502 and 502.2(A) and (B)(1), relative to the Louisiana State Employees' Retirement System; to provide for eligibility to participate in the optional retirement plan; to provide for transfer from the optional retirement plan to the defined benefit plan; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

Message from the House

HOUSE CONFEREES APPOINTED

June 9, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 356 by Representative Martiny:

Representatives Martiny, Salter and Alario.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 9, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

HOUSE BILL NO. 130—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 49:190.1, 191, and 193(E)(introductory paragraph), relative to the termination and re-creation of departments and statutory entities; to change the termination dates of departments and statutory entities; to provide for the effective termination date for all statutory authority for the existence of each department and statutory entity; to change the time for the study and evaluation of a statutory entity by standing committees of the legislature; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 481—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1491.6(C)(1)(a) and 1495.4(C)(1)(a), relative to reporting requirements twenty days prior to an election; to increase the contribution amount subject to the requirement for forty-eight hour reporting by a district or major office candidate or political committee supporting or opposing such candidate; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 490—

BY REPRESENTATIVE RITCHIE
AN ACT

To repeal R.S. 24:513(A)(1)(b)(v) and (I)(3), relative to the entities subject to audit and review by the legislative auditor; to remove provisions relative to the authority of the legislative auditor to audit certain organizations subject to the open meetings laws which derive a portion of their income from any public agency or body; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 533—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1483(7)(e), relative to the Campaign Finance Disclosure Act; to define the term "district office" for purposes of the Campaign Finance Disclosure Act; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 544—

BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact R.S. 24:31.3, relative to newly elected members of the legislature; to allow for reimbursement for expenses related to attendance at certain orientation seminars for newly elected members of the legislature; to allow for certain actions and expenditures to establish a district office for such members-elect; to allow the employment of legislative assistants by such members-elect; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 548—

BY REPRESENTATIVES LANCASTER, BRUNEAU, AND GALLOT
AN ACT

To amend and reenact R.S. 36:742(8) and to enact R.S. 36:742(9) and Part V of Chapter 2 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:49, relative to elections compliance; to provide for the powers and duties of the secretary of state to include the investigation of allegations of election irregularities; to provide for the creation of the elections compliance unit in the Department of State; to provide for the powers and duties of the elections compliance unit; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 728—

BY REPRESENTATIVES BRUNEAU, ARNOLD, GALLOT,
LANCASTER, MONTGOMERY, MURRAY, PITRE, AND SMILEY
A JOINT RESOLUTION

Proposing to amend Article IV, Section 3(A) and to add Article IV, Section 3(E) of the Constitution of Louisiana, to change the date of the election of the governor and the other officials elected at the same time as the governor; to provide for the terms of office of such officials; to provide relative to statewide elections in odd-numbered years; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 735—

BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact R.S. 18:18(A)(7), 59.2(A) and (C), 171(A), (C)(2) and (3) and (D), 193(G)(1), 196(C)(3), 424(E), 425(E), 431(A)(5) and (B)(4), 435(C), 443.1(B), 463(C), 464(A), 513(C), 532(B)(4)(a)(iii) and (c), 532.1(B)(2)(a) and (3), (C)(3), (D), and (G)(1), 566(B)(1), 574(A)(2) and (3), 581(1), 602(G), 1259(B)(5), 1280.22(A), 1307(A)(2), (B)(1) and (2), (C), and (E), 1313(H), 1354(C), 1400.1(A), (B)(2), and (C)(1), 1400.2(A), (B)(2), and (C)(1), 1400.3(A), (B)(2), and (C)(1), 1400.4(A), (B)(2), and (C)(1), 1405, and 1903(A) and to enact R.S. 18:426(A)(4), 463(E), 513(D), 1309(E)(6), and 1435, relative to the Election Code; to make technical changes to the Election Code; to provide relative to population data used to determine employment in registrars' offices; to provide relative to the Department of State monitoring its databases relative to voters' felony convictions; to provide relative to procedure for the challenge and cancellation of registration of certain voters; to provide relative to confirmation of a voter's address; to provide relative to the time period for compensation of commissioners

and commissioners-in-charge; to provide for certain persons under age eighteen to serve as alternate commissioners; to provide relative to the information contained in lists of persons qualified to serve as commissioners; to provide for a watcher to serve at multiple precincts; to make technical changes relative to the membership of certain state central committees; to provide relative to the information posted on the secretary of state's website; to provide relative to changes to the notice of candidacy after the close of qualifying; to provide for the manner of payment of qualifying fees; to provide for the certification of candidates elected to a reduced term due to a postponed election; to provide for the use of the word "merger" to describe whenever more than one precinct is combined into a single precinct with one geographical description; to provide for the requirements for merging precincts; to provide relative to the handling of provisional ballot envelopes; to provide relative to the counting and tabulation of provisional ballots; to provide relative to the compilation of election returns; to provide relative to vacancies in office; to provide for provisions of the election code to govern the time and manner of calling special elections as authorized by the constitution; to provide relative to requirements for applications to absentee vote by mail; to provide for voiding a ballot when a voter has received and voted on an incorrect ballot; to prohibit convicted felons from serving as deputy parish custodians of voting machines; to provide relative to election costs paid by the secretary of state and parish governing authorities; to provide for the time period for commencing an action objecting to candidacy or contesting an election; to provide relative to court determination of election results; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 809—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1483(7)(d), relative to the definition of district office for purposes of the Campaign Finance Disclosure Law; to provide that all elected public offices to a board or governing authority which has a municipality within its jurisdiction with a certain population are included in the definition of district office; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 910—

BY REPRESENTATIVES LANCASTER, BURRELL, DARTEZ,
GLOVER, PITRE, ST. GERMAIN, AND TRICHE
AN ACT

To amend and reenact R.S. 24:35.5(A)(introductory paragraph), (2), (4), (51), (54), (55), and (60) and (C) and to enact R.S. 24:35.5(B)(3), to provide for the composition of certain House of Representatives districts; to provide for the composition of House of Representatives Districts Nos. 2, 4, 51, 54, 55, and 60; to provide for the precincts used to compose the districts for the House of Representatives; to provide for effectiveness; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1031—
BY REPRESENTATIVE LANCASTER
AN ACT

To enact R.S. 18:59.4, relative to a certification program for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters; to establish a certification program for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters; to provide for requirements of the program; to provide for a percent salary increase for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters who have completed all requirements of the program; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1605—
BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 18:441, 551(D), and 1461(A)(6), relative to political parties; to provide for recognition of certain political parties; to provide for procedures to object to recognition of certain political parties; to prohibit certain parties from being recognized; to provide relative to the application of provisions of law relative to state central committees and parish executive committees; to provide for certain party affiliations to appear on the ballot with candidates' names; to provide for penalties for deceiving or misinforming a voter relative to matters involving party affiliation; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1668—
BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 24:51(5), relative to the definition of lobbyist for the purpose of lobbying the legislature; to increase the amount of expenditures per calendar year in order for persons to be considered lobbyists; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHARLES D. JONES
Chairman

**House Bills and Joint Resolutions
on Second Reading
Reported by Committees**

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Bills and Joint Resolutions just reported by Committees.

HOUSE BILL NO. 130—
BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 49:190.1, 191, and 193(E)(introductory paragraph), relative to the termination and re-creation of departments and statutory entities; to change the termination dates of departments and statutory entities; to provide for the effective termination date for all statutory authority for the

existence of each department and statutory entity; to change the time for the study and evaluation of a statutory entity by standing committees of the legislature; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 481—
BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1491.6(C)(1)(a) and 1495.4(C)(1)(a), relative to reporting requirements twenty days prior to an election; to increase the contribution amount subject to the requirement for forty-eight hour reporting by a district or major office candidate or political committee supporting or opposing such candidate; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 490—
BY REPRESENTATIVE RITCHIE
AN ACT

To repeal R.S. 24:513(A)(1)(b)(v) and (I)(3), relative to the entities subject to audit and review by the legislative auditor; to remove provisions relative to the authority of the legislative auditor to audit certain organizations subject to the open meetings laws which derive a portion of their income from any public agency or body; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 490 by Representative Ritchie

AMENDMENT NO. 1

On page 1, line 2, change "repeal" to "enact" and after "513" delete "(A)(1)(b)(v) and (I)(3)" and insert "(I)(4)"

AMENDMENT NO. 2

On page 1, line 3, after "auditor; to" delete the remainder of the line and delete lines 4 and 5 and insert "provide with regard to audit requirements for certain organizations; and to"

AMENDMENT NO. 3

On page 1, line 8, delete "(A)(1)(b)(v) and (I)(3)" and insert "(I)(4)" and change "are hereby repealed in their entirety." to "is hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 1, after line 8, insert the following:

"§513. Powers and duties of legislative auditor; audit reports as public records; assistance and opinions of attorney general; frequency of audits; subpoena power

I. * * *

(4)(a) Notwithstanding any provision of this Section to the contrary, any entity which establishes scholastic rules which are the basis for the State Board of Elementary and Secondary Education's policy required by R.S. 17:176 to be adhered to by all high schools under the board's jurisdiction shall not be required to be audited by the legislative auditor but shall file an audit with the legislative auditor and the Legislative Audit Advisory Council which has been prepared by an auditing firm which has been approved by the legislative auditor. Such entity shall submit such audit to the legislative auditor and the Legislative Audit Advisory Council.

(b) The Legislative Audit Advisory Council may order an audit by the legislative auditor upon a finding of cause by the council."

On motion of Senator Jones, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 533—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 18:1483(7)(e), relative to the Campaign Finance Disclosure Act; to define the term "district office" for purposes of the Campaign Finance Disclosure Act; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 544—

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 24:31.3, relative to newly elected members of the legislature; to allow for reimbursement for expenses related to attendance at certain orientation seminars for newly elected members of the legislature; to allow for certain actions and expenditures to establish a district office for such members-elect; to allow the employment of legislative assistants by such members-elect; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 548—

BY REPRESENTATIVES LANCASTER, BRUNEAU, AND GALLOT
AN ACT

To amend and reenact R.S. 36:742(8) and to enact R.S. 36:742(9) and Part V of Chapter 2 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:49, relative to elections compliance; to provide for the powers and duties of the secretary of state to include the investigation of allegations of election irregularities; to provide for the creation of the elections compliance unit in the Department of State; to provide

for the powers and duties of the elections compliance unit; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 728—

BY REPRESENTATIVES BRUNEAU, ARNOLD, GALLOT, LANCASTER, MONTGOMERY, MURRAY, PITRE, AND SMILEY
A JOINT RESOLUTION

Proposing to amend Article IV, Section 3(A) and to add Article IV, Section 3(E) of the Constitution of Louisiana, to change the date of the election of the governor and the other officials elected at the same time as the governor; to provide for the terms of office of such officials; to provide relative to statewide elections in odd-numbered years; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 735—

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 18:18(A)(7), 59.2(A) and (C), 171(A), (C)(2) and (3) and (D), 193(G)(1), 196(C)(3), 424(E), 425(E), 431(A)(5) and (B)(4), 435(C), 443.1(B), 463(C), 464(A), 513(C), 532(B)(4)(a)(iii) and (c), 532.1(B)(2)(a) and (3), (C)(3), (D), and (G)(1), 566(B)(1), 574(A)(2) and (3), 581(1), 602(G), 1259(B)(5), 1280.22(A), 1307(A)(2), (B)(1) and (2), (C), and (E), 1313(H), 1354(C), 1400.1(A), (B)(2), and (C)(1), 1400.2(A), (B)(2), and (C)(1), 1400.3(A), (B)(2), and (C)(1), 1400.4(A), (B)(2), and (C)(1), 1405, and 1903(A) and to enact R.S. 18:426(A)(4), 463(E), 513(D), 1309(E)(6), and 1435, relative to the Election Code; to make technical changes to the Election Code; to provide relative to population data used to determine employment in registrars' offices; to provide relative to the Department of State monitoring its databases relative to voters' felony convictions; to provide relative to procedure for the challenge and cancellation of registration of certain voters; to provide relative to confirmation of a voter's address; to provide relative to the time period for compensation of commissioners and commissioners-in-charge; to provide for certain persons under age eighteen to serve as alternate commissioners; to provide relative to the information contained in lists of persons qualified to serve as commissioners; to provide for a watcher to serve at multiple precincts; to make technical changes relative to the membership of certain state central committees; to provide relative to the information posted on the secretary of state's website; to provide relative to changes to the notice of candidacy after the close of qualifying; to provide for the manner of payment of qualifying fees; to provide for the certification of candidates elected to a reduced term due to a postponed election; to provide for the use of the word "merger" to describe whenever more than one precinct is combined into a single precinct with one geographical description; to provide for the requirements for merging precincts; to provide relative to the handling of provisional ballot envelopes; to provide relative to

the counting and tabulation of provisional ballots; to provide relative to the compilation of election returns; to provide relative to vacancies in office; to provide for provisions of the election code to govern the time and manner of calling special elections as authorized by the constitution; to provide relative to requirements for applications to absentee vote by mail; to provide for voiding a ballot when a voter has received and voted on an incorrect ballot; to prohibit convicted felons from serving as deputy parish custodians of voting machines; to provide relative to election costs paid by the secretary of state and parish governing authorities; to provide for the time period for commencing an action objecting to candidacy or contesting an election; to provide relative to court determination of election results; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 809—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 18:1483(7)(d), relative to the definition of district office for purposes of the Campaign Finance Disclosure Law; to provide that all elected public offices to a board or governing authority which has a municipality within its jurisdiction with a certain population are included in the definition of district office; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 910—

BY REPRESENTATIVES LANCASTER, BURRELL, DARTEZ,
GLOVER, PITRE, ST. GERMAIN, AND TRICHE
AN ACT

To amend and reenact R.S. 24:35.5(A)(introductory paragraph), (2), (4), (51), (54), (55), and (60) and (C) and to enact R.S. 24:35.5(B)(3), to provide for the composition of certain House of Representatives districts; to provide for the composition of House of Representatives Districts Nos. 2, 4, 51, 54, 55, and 60; to provide for the precincts used to compose the districts for the House of Representatives; to provide for effectiveness; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1031—

BY REPRESENTATIVE LANCASTER
AN ACT

To enact R.S. 18:59.4, relative to a certification program for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters; to establish a certification program for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters; to provide for requirements of the program; to provide for a percent salary increase for

registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters who have completed all requirements of the program; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Engrossed House Bill No. 1031 by Representative Lancaster

AMENDMENT NO. 1

On page 3, line 15, after "designation of" delete the remainder of the line and insert "Louisiana Certified Elections Administrator."

On motion of Senator Jones, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1605—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 18:441, 551(D), and 1461(A)(6), relative to political parties; to provide for recognition of certain political parties; to provide for procedures to object to recognition of certain political parties; to prohibit certain parties from being recognized; to provide relative to the application of provisions of law relative to state central committees and parish executive committees; to provide for certain party affiliations to appear on the ballot with candidates' names; to provide for penalties for deceiving or misinforming a voter relative to matters involving party affiliation; and to provide for related matters.

Reported with amendments by the Committee on Senate and Governmental Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Reengrossed House Bill No. 1605 by Representative Daniel

AMENDMENT NO. 1

On page 3, line 24, after "D," insert "(1)"

AMENDMENT NO. 2

On page 4, between lines 7 and 8, insert the following:

"(2) Any political party recognized pursuant to Paragraph (1) of Subsection B of this Section shall not be considered to be a recognized political party pursuant to R.S. 18:1505.2(H)."

On motion of Senator Jones, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1668—

BY REPRESENTATIVE LANCASTER

AN ACT

To amend and reenact R.S. 24:51(5), relative to the definition of lobbyist for the purpose of lobbying the legislature; to increase the amount of expenditures per calendar year in order for persons to be considered lobbyists; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 9, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 17—

BY REPRESENTATIVES ALARIO AND WALSWORTH

A CONCURRENT RESOLUTION

To urge and request members of the legislature and statewide elected officials to voluntarily substitute teach in a public elementary or secondary school of the state.

HOUSE CONCURRENT RESOLUTION NO. 86—

BY REPRESENTATIVES DORSEY, DARTEZ, FARRAR, RICHMOND, SHEPHERD, AND WHITE

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of state police, to develop rules for the coordination of investigations and the sharing of information regarding the investigation of possible "serial killers" and unsolved murders.

HOUSE CONCURRENT RESOLUTION NO. 189—

BY REPRESENTATIVES LABRUZZO AND SCALISE

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to send all the necessary and proper information to the Federal Railroad Administration, the Norfolk Southern Railroad, and the Jefferson Parish Sheriff's Office which is required, according to the Federal Railroad Administration's interim final rule regarding the use of horns at highway-rail crossings, to preserve and continue the railroad "quiet zone" in the Old Metairie corridor in Jefferson Parish.

HOUSE CONCURRENT RESOLUTION NO. 276—

BY REPRESENTATIVES TUCKER, STRAIN, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CRANE, CROWE, DOVE, DOWNS, ERDEY, FLAVIN, FUTRELL, GEYMAN, HUTTER, JOHNS, KATZ, KENNARD, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, TOOMY, TRAHAN, WADDELL, WALSWORTH, WHITE, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, CHEEK, DARDENNE, FONTENOT, HAINKEL, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, ROMERO, SCHEDLER, AND THEUNISSEN

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of President Ronald Reagan and to express enduring appreciation for his singular contributions and achievements.

HOUSE CONCURRENT RESOLUTION NO. 284—

BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To proclaim September, 2004, as National Alcohol and Drug Addiction Recovery Month.

HOUSE CONCURRENT RESOLUTION NO. 285—

BY REPRESENTATIVES KENNARD, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BURNS, BURRELL, K. CARTER, CAZAYOUX, CRANE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HAMMETT, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNEY, LAFLEUR, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROBIDEAUX, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACKSMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT

A CONCURRENT RESOLUTION

To commend and congratulate Louisiana State University head football coach Nick Saban upon leading the Tigers to the national championship on January 4, 2004.

HOUSE CONCURRENT RESOLUTION NO. 288—

BY REPRESENTATIVE MURRAY

A CONCURRENT RESOLUTION

To recognize the vital role that minority community banks have played in the economic development of the communities that they serve by providing investment capital, home mortgages, and employment opportunities and to proclaim 2004 as the Year of the Minority Bank.

HOUSE CONCURRENT RESOLUTION NO. 294—

BY REPRESENTATIVES WINSTON, BAUDOUIN, BOWLER, BROOME, BRUCE, K. CARTER, DARTEZ, DOERGE, DORSEY, DURAND, GRAY, HUTTER, JEFFERSON, KATZ, MARCHAND, JANE SMITH, ST. GERMAIN, AND WALKER AND SENATORS BAJOE, CHEEK, DUPLESSIS, IRONS, JACKSON, MOUNT, AND MARIONNEAUX

A CONCURRENT RESOLUTION

To commend Joycelyn Mason Green upon her retirement as executive director of the Louisiana Legislative Women's Caucus.

HOUSE CONCURRENT RESOLUTION NO. 286—

BY REPRESENTATIVES DOWNS AND CROWE

A CONCURRENT RESOLUTION

To memorialize congress to fully fund the National Aeronautics and Space Administration's Fiscal Year 2005 budget request.

HOUSE CONCURRENT RESOLUTION NO. 290—

BY REPRESENTATIVE ALARIO

A CONCURRENT RESOLUTION

To urge and request the Louisiana Advisory Commission on Intergovernmental Relations to meet to study alternative methods of competitive sealed bidding, and specifically the method of bidding known as reverse auction.

HOUSE CONCURRENT RESOLUTION NO. 291—
BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Natural Resources to review the base mitigation costs used to calculate monetary contributions to the Coastal Mitigation Account of the Louisiana Wetlands Conservation and Restoration Fund and to make changes in the rules and procedures for mitigation that could facilitate appropriate mitigation of coastal wetland losses, including the possibility of implementing a program of monetary mitigation payments only.

HOUSE CONCURRENT RESOLUTION NO. 292—
BY REPRESENTATIVE LABRUZZO

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to establish a study commission to research and study the implementation of a recycling method for unused prescription drugs.

HOUSE CONCURRENT RESOLUTION NO. 293—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend the Louisiana State University baseball Tigers for winning the regional championship and to extend best wishes for victory in the National Collegiate Athletic Association Super Regional series.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House

**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

June 9, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 6—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To enact R.S. 17:85.5, relative to naming a gymnasium; to authorize the parish school board in certain parishes to name a gymnasium in honor of a former school board member; to provide limitations; and to provide for related matters.

HOUSE BILL NO. 39—
BY REPRESENTATIVE BRUNEAU
AN ACT

To amend and reenact Civil Code Article 1582.1, relative to donations; to provide for witnesses; to prohibit persons from witnessing testaments; and to provide for related matters.

HOUSE BILL NO. 50—
BY REPRESENTATIVE CROWE
AN ACT

To provide relative to speed limits; to require the Department of Transportation and Development to make a final decision regarding the maximum speed limit along certain interstate highways; and to provide for related matters.

HOUSE BILL NO. 63—
BY REPRESENTATIVES ERDEY AND SMILEY
AN ACT

To enact R.S. 33:2711.20, relative to municipal sales and use taxes; to authorize the governing authority of the town of Springfield to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

HOUSE BILL NO. 106—
BY REPRESENTATIVE FARRAR
AN ACT

To amend and reenact R.S. 34:851.31(A)(1) and to enact R.S. 34:851.27(C), relative to speed limits on waterways; to establish "no-wake" zones around public boat launches and public and commercial docking facilities; and to provide for related matters.

HOUSE BILL NO. 114—
BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 22:1404(3)(d)(iii), relative to automobile liability insurance rates; to provide for discounts; to provide for defensive driving; to provide for senior drivers; and to provide for related matters.

HOUSE BILL NO. 117—
BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 56:8(28.1) and 320(B)(3), relative to crab traps; to provide that only crab traps located south of the northern bank of the Intracoastal Waterway must be marked with floats; and to provide for related matters.

HOUSE BILL NO. 175—
BY REPRESENTATIVE HAMMETT
AN ACT

To enact R.S. 33:2711.20, relative to the town of Lake Providence; to authorize the governing authority of the town to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

HOUSE BILL NO. 726—
BY REPRESENTATIVE WALKER
AN ACT

To enact R.S. 40:2006(A)(2)(n), (o), and (p) and (B)(2)(f),(g), and (h), relative to the powers of the Department of Health and Hospitals; to provide for the ability to assess fees for psychiatric residential treatment facilities, children's respite care centers, and other licensed DHH facilities; and to provide for related matters.

HOUSE BILL NO. 742—

BY REPRESENTATIVES CAZAYOUX AND DURAND
AN ACT

To amend and reenact R.S. 46:114.3(B), (C), and (D), relative to regional fraud detection units; to provide for subpoenas and subpoenas duces tecum; to include businesses and legal entities; and to provide for related matters.

HOUSE BILL NO. 791—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact Code of Civil Procedure Article 893(A)(1), relative to pleadings; to provide for the pleading of damages; and to provide for related matters.

HOUSE BILL NO. 909—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact Code of Criminal Procedure Article 895.4, relative to crime stoppers organizations and the additional cost of court which is imposed on offenders who are convicted of criminal and traffic violations and which is used to fund certain operations of those organizations; to provide for the certification of crime stoppers organizations by sheriffs and chiefs of police; to provide for the payment of the funds derived from the additional cost of court to certified crime stoppers organizations; to provide for the use of those funds; to provide definitions; and to provide for related matters.

HOUSE BILL NO. 1053—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:39(D), relative to domestic insurers; to provide for securities; to provide for brokerage accounts; and to provide for related matters.

HOUSE BILL NO. 1070—

BY REPRESENTATIVE PINAC AND SENATORS HOLLIS AND MICHOT
AN ACT

To amend and reenact R.S. 37:3173(A)(3) and 3182 and to enact R.S. 37:3186, relative to interior designers; to provide for terms of office of the members of the board; to provide for an increase in fees; to prohibit certain acts; to provide penalties; and to provide for related matters.

HOUSE BILL NO. 1209—

BY REPRESENTATIVE SHEPHERD
AN ACT

To amend and reenact R.S. 32:1254(N)(3)(f), relative to motor vehicle sales; to provide relative to spot delivery sales; to provide for immediate refund of prospective purchaser's deposit; and to provide for related matters.

HOUSE BILL NO. 1408—

BY REPRESENTATIVES DANIEL, KENNARD, BRUCE, CROWE, DOERGE, FRITH, MARCHAND, PINAC, T. POWELL, RITCHIE, GARY SMITH, TRAHAN, WALSWORTH, AND WHITE
AN ACT

To amend and reenact R.S. 4:420, 421(A)(2) through (9), 422, 423(B), (G)(3), (H), and (I), 424, 426, 432, and 433 and to enact R.S. 4:421(A)(10) through (14), 422.1(A)(5), 423(G)(4), 425(D), 427(A)(6) and (7) and (D), and 430(C), relative to athlete agents; to provide for legislative purpose; to provide for

definitions; to provide for registration; to provide for denial or revocation of registration; to provide for notice to head coach instead of president of institution; to provide for notice to athlete; to provide for contract relationship between athlete and institution or school; to provide for duties and obligations; to provide relative to contact with athletes; to provide for prohibited activities; to provide for recordkeeping; to provide for attorney athlete agents; to provide remedies and penalties; and to provide for related matters.

HOUSE BILL NO. 1420—

BY REPRESENTATIVES PINAC, BRUCE, DOERGE, FLAVIN, FRITH, JACKSON, MARCHAND, T. POWELL, RITCHIE, WHITE, AND WINSTON
AN ACT

To enact R.S. 37:2156(C)(3), relative to contractors; to require the license renewal form to include a donation portion; to provide for collection and remittance of such donations; and to provide for related matters.

HOUSE BILL NO. 1487—

BY REPRESENTATIVE MCDONALD
AN ACT

To enact R.S. 40:41(J), relative to death certificates; to require the state registrar of vital records to issue a copy of a death certificate to the Office of Student Financial Assistance, and the office of the attorney general, under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 1574—

BY REPRESENTATIVE FLAVIN
AN ACT

To enact R.S. 22:635.4, relative to homeowners insurance; to provide for conversion of policy forms; to provide for approval by the commissioner; and to provide for related matters.

HOUSE BILL NO. 272 (Duplicate of Senate Bill No. 235)—

BY REPRESENTATIVE DURAND AND SENATOR MCPHERSON AND COAUTHORED BY REPRESENTATIVES THOMPSON, SALTER, JOHN SMITH, STRAIN, TOOMY, CURTIS, DOERGE, DORSEY, GRAY, E. GUILLORY, M. GUILLORY, KATZ, MARCHAND, MCDONALD, STRAIN, WADDELL, WALKER, WINSTON, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOUIN, BAYLOR, BEARD, BROOME, BRUCE, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOVE, DOWNS, ERDY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GLOVER, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, JACKSON, JEFFERSON, KENNEY, LAFLEUR, MARTINY, MCVEA, MONTGOMERY, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, TOWNSEND, TRICHE, TUCKER, AND WRIGHT AND SENATORS BARHAM, HINES, JONES, AND SCHEDLER
AN ACT

To amend and reenact R.S. 36:801.1(A) and to enact R.S. 36:259(J) and Chapter 34 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2841 through 2846, relative to the Louisiana Emergency Response Network (LERN); to provide for statement of purpose; to provide for definitions; to provide for the creation of the Louisiana Emergency Response Network; to provide for the board and its membership, appointments, terms of office, vacancies, meetings, compensation, functions, powers, and duties; to provide for rules and regulations; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 896—

BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 27:30.3 and to repeal R.S. 27:114 and 365(5), relative to the monitoring and reading of certain electronic gaming devices; to provide that electronic gaming devices at certain gaming establishments shall be linked by telecommunication to a central computer system for purposes of monitoring and reading device activities; to provide for the assessment and collection of fees; to provide for the adoption of rules; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 925—

BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 15:542(B)(6), relative to notification by sex offenders; to provide with respect to posting of notices in certain places of business; and to provide for related matters.

HOUSE BILL NO. 971—

BY REPRESENTATIVE BRUCE
AN ACT

To enact R.S. 13:756.12, relative to establishing a branch office of the clerk of court in DeSoto Parish; to authorize the clerk of court of the parish of DeSoto to establish a branch office in Stonewall; to provide for duties and functions of the branch office; and to provide for related matters.

HOUSE BILL NO. 1132—

BY REPRESENTATIVES FARRAR AND THOMPSON
AN ACT

To enact R.S. 40:966(E)(5), relative to possession of marijuana; to provide that prior convictions of distribution, dispensing, or possession with intent to distribute or dispense marijuana may serve as predicate offenses for penalties for multiple offenders; and to provide for related matters.

HOUSE BILL NO. 1143—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 9:3515(A)(1)(a), relative to consumer loans; to provide for exemptions from prohibited acts at the locations where consumer loans are made; and to provide for related matters.

HOUSE BILL NO. 1145—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 9:3515(A)(1)(a), relative to consumer loans; to provide for exemptions from prohibited acts at the locations where consumer loans are made; and to provide for related matters.

HOUSE BILL NO. 1361—

BY REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 22:3053(A)(2), to enact R.S. 22:3053.1, and to repeal R.S. 22:3059(A)(1), (2), and (3) and (C) and 3064, relative to the sale of insurance products; to provide for financial institutions; to provide for statements; to provide for marketing; to provide for records; and to provide for related matters.

HOUSE BILL NO. 1425—

BY REPRESENTATIVE MARTINY AND SENATOR MARIONNEAUX
AN ACT

To enact R.S. 39:198(F), relative to contracts for the Video Gaming Monitoring System; to authorize the Department of Public Safety and Corrections to enter into a multiyear contract for up to ten years for the monitoring of video draw poker devices as required by law; and to provide for related matters.

HOUSE BILL NO. 1431—

BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 37:2551(D), relative to the Board of Examiners of Certified Shorthand Court Reporters; to provide for the payment of per diem to board members; to restrict the number of per diem payments for special meetings; and to provide for related matters.

HOUSE BILL NO. 1697 (Substitute for House Bill No. 153 by Representative Fauchaux)—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 13:2586(C)(1) and to enact R.S. 13:2586(E), relative to jurisdiction of justice of the peace courts; to provide for certain parishwide jurisdiction in criminal matters; to provide for retention of original jurisdiction over certain judgments; to provide that a constable of the court has parishwide jurisdiction to enforce certain civil judgments; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 9, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 138—

BY SENATOR JACKSON AND REPRESENTATIVES BRUCE, BURRELL, DOERGE, GLOVER, HOPKINS, MONTGOMERY, JANE SMITH AND WADDELL

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the creation of the Louisiana State University Health Sciences Center in Shreveport as a statutorily defined component of Louisiana State University under the supervision and management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College.

SENATE CONCURRENT RESOLUTION NO. 146—

BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To recognize and commend Ann Knapp for her accomplishments and contributions to the Board of Supervisors of Community and Technical Colleges and for her tenure as the chair during 2002-2003 and 2003-2004.

SENATE CONCURRENT RESOLUTION NO. 147—

BY SENATOR N. GAUTREAUX AND REPRESENTATIVE PINAC

A CONCURRENT RESOLUTION

To commend and congratulate Bonaventure Fire Company of Rayne, Louisiana, on its initiation of construction of a state-of-the-art manufacturing facility and its many contributions to the Acadia Parish area.

SENATE CONCURRENT RESOLUTION NO. 150—

BY SENATORS N. GAUTREAUX, HINES, HAINKEL, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BOISSIERE, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, HEITMEIER, HOLDEN, HOLLIS, IRONS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To extend sincere and heartfelt condolences upon the death of President Ronald Reagan and to express enduring appreciation for his singular contributions and achievements.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 9, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bills have been properly enrolled:

SENATE BILL NO. 4—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 38:2225.2 and 2225.3, relative to public contracts; to prohibit the state and any state or local entity from executing agreements to purchase unimproved property which agreement requires the successful design and construction of a structure prior to transfer of title unless specifically authorized by law; to prohibit execution of certain contracts by the state or a political subdivision of the state which provide for the purchase, lease, or lease with option to purchase by the state or political subdivision after completion of construction of a building or other structure unless specifically authorized by law; to provide for exceptions; and to provide for related matters.

SENATE BILL NO. 21—

BY SENATOR DUPRE AND REPRESENTATIVES ALARIO, BADON, BALDONE, BAUDON, BAYLOR, BURRELL, DAMICO, DANIEL, DARTEZ, DEWITT, DORSEY, DOVE, DOWNS, FAUCHEUX, FRITH, FUTRELL, GLOVER, HEBERT, HOPKINS, HUNTER, JEFFERSON, KATZ, KENNARD, LABRUZZO, LANCASTER, MARCHAND, MORRELL, MURRAY, ODINET, PIERRE, PITRE, T. POWELL, GARY SMITH, JANE SMITH, ST. GERMAINE, THOMPSON AND WADDELL

AN ACT

To amend and reenact R.S. 9:5167.2, relative to the cancellation of mortgage inscription; to limit certain mortgage inscription cancellation requirements to residential mortgages; and to provide for related matters.

SENATE BILL NO. 58—

BY SENATORS BARHAM AND N. GAUTREAUX AND REPRESENTATIVES RICHMOND AND MCDONALD

AN ACT

To enact R.S. 40:2010.8(A)(23) and 2010.10, relative to nursing homes; to add to the residents' bill of rights the right to have a copy of the most recent Department of Health and Hospitals annual licensing survey results provided by the facility; to require that the most recent Department of Health and Hospitals annual licensing survey results be provided to all residents, potential residents, and their sponsors; to provide procedure in the case of failure to make such a document available; and to provide for related matters.

SENATE BILL NO. 94—

BY SENATOR LENTINI

AN ACT

To amend and reenact the Louisiana Code of Civil Procedure Arts. 1038 and 3601 and R.S. 13:4062, relative to civil law and procedure; relative to suits against the state; to provide relative to injunctions in such suits; to provide relative to a finding that the expenditure of such state funds would create a deficit; to require an affidavit certifying such finding; to authorize any party in the suit to traverse any such affidavit; to require a summary proceeding for such action to traverse; and to provide for related matters.

SENATE BILL NO. 711—

BY SENATOR MCPHERSON AND REPRESENTATIVE WALSWORTH

AN ACT

To enact R.S. 40:2009.22, relative to Medicaid nursing homes being Medicare Part A certified; to provide for nursing home operators to be required to participate in the Medicare Part A skilled nursing facility program; to provide for a permissive grace

period; to provide for penalties for failure to certify for Medicare; and to provide for related matters.

SENATE BILL NO. 861—

BY SENATORS N. GAUTREAUX, LENTINI AND ROMERO AND
REPRESENTATIVES JOHNS AND RICHMOND

AN ACT

To amend and reenact R.S. 9:315.40(9) and 315.41(A) and to enact R.S. 9:315.40(4)(d), relative to child support; to provide relative to the suspension of licenses for nonpayment of child support; to provide for definitions; to include licenses for the operation of personal watercraft, motorboats, sailboats, all-terrain vehicles and trailers in the definition of licenses; to provide for the suspension of such additional licenses; and to provide for related matters.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

Adjournment

Senator Bajoie moved that the Senate adjourn until Thursday, June 10, 2004, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Thursday, June 10, 2004.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk